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COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1986

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

AND

COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

FEBRUARY 1987

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FOREWORD

The reports on individual country human rights practices contained herein were prepared by the Department of State in accordance with sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961, as amended. They also fulfill the legislative requirement of section 31 of the Bretton Woods Agreements Act.

Because there is interest in human rights practices of all nations—those that receive U.S. foreign assistance and those that do not—these reports are being printed to assist Members of Congress in considering legislation in the area of foreign assistance.

CLAIBORNE PELL,
Chairman, Committee on Foreign Relations,
DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs.

LETTER OF TRANSMITTAL

DEPARTMENT OF STATE,
Washington, DC, January 31, 1987.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations,
Hon. JIM WRIGHT,
Speaker, House of Representatives.

DEAR SIRS: I have the distinct honor to present the report prepared in compliance with sections 116(d)(1) and 502B(b) of the Foreign Assistance Act of 1961, as amended, and section 505(c) of the Trade Act of 1974, as amended.

With best wishes,
Sincerely,

J. EDWARD FOX,
Assistant Secretary,
Legislative and Intergovernmental Affairs.

Enclosure.

CONTENTS

	Page
FOREWORD	III
LETTER OF TRANSMITTAL	V
INTRODUCTION	1
AFRICA:	
Angola	5
Benin	12
Botswana	18
Burkina Faso	25
Burundi	32
Cameroon	40
Cape Verde	48
Central African Republic	55
Chad	62
Comoros	70
Congo	75
Cote d'Ivoire	83
Djibouti	90
Equatorial Guinea	96
Ethiopia	102
Gabon	113
Gambia, The	119
Ghana	125
Guinea	133
Guinea-Bissau	140
Kenya	146
Lesotho	154
Liberia	162
Madagascar	174
Malawi	181
Mali	188
Mauritania	194
Mauritius	203
Mozambique	209
Niger	218
Nigeria	225
Rwanda	236
Sao Tome and Principe	243
Senegal	248
Seychelles	255
Sierra Leone	261
Somalia	267
South Africa	274
Namibia, International Territories of	296
Sudan	308
Swaziland	318
Tanzania	326
Togo	336
Uganda	344
Zaire	353
Zambia	364
Zimbabwe	371
CENTRAL AND SOUTH AMERICA:	
Antiqua and Barbuda	383
Argentina	386

	Page
CENTRAL AND SOUTH AMERICA—Continued	
Bahamas	394
Barbados	399
Belize	403
Bolivia	408
Brazil	416
Chile	425
Colombia	444
Costa Rica	453
Cuba	459
Dominica	469
Dominican Republic	473
Ecuador	481
El Salvador	489
Grenada	504
Guatemala	509
Guyana	524
Haiti	533
Honduras	543
Jamaica	551
Mexico	559
Nicaragua	569
Panama	587
Paraguay	598
Peru	611
St. Christopher and Nevis	622
St. Lucia	625
St. Vincent and the Grenadines	628
Suriname	631
Trinidad and Tobago	639
Uruguay	644
Venezuela	650
EAST ASIA AND THE PACIFIC:	
Australia	656
Brunei	659
Burma	663
Cambodia	672
China	683
China (Taiwan only)	698
Fiji	711
Indonesia	716
Japan	729
Kiribati	734
Korea, Democratic People's Republic of	737
Korea, Republic of	744
Laos	759
Malaysia	768
Mongolia	777
Nauru	781
New Zealand	784
Papua New Guinea	787
Philippines	793
Singapore	807
Solomon Islands	815
Thailand	819
Tonga	830
Vanuatu	833
Vietnam	836
Western Samoa	846
EUROPE AND NORTH AMERICA:	
Albania	851
Austria	857
Belgium	863
Bulgaria	869
Canada	878
Cyprus	881
Czechoslovakia	888
Denmark	900

	Page
EUROPE AND NORTH AMERICA—Continued	
Estonia	904
Finland	908
France	913
German Democratic Republic	918
Germany, Federal Republic of	927
Greece	932
Hungary	940
Iceland	950
Ireland	953
Italy	959
Latvia	965
Lithuania	969
Luxembourg	974
Malta	977
Netherlands, The	983
Norway	987
Poland	992
Portugal	1006
Romania	1012
Spain	1024
Sweden	1030
Switzerland	1034
Turkey	1038
Union of Soviet Socialist Republics	1054
United Kingdom	1072
Yugoslavia	1082
NEAR EAST, NORTH AFRICA, AND SOUTH ASIA:	
Afghanistan	1094
Algeria	1102
Bahrain	1110
Bangladesh	1114
Bhutan	1124
Egypt	1130
India	1146
Iran	1156
Iraq	1166
Israel and the occupied territories	1175
Jordan	1196
Kuwait	1205
Lebanon	1216
Libya	1224
Maldives	1231
Morocco	1238
The Western Sahara	1248
Nepal	1251
Oman	1259
Pakistan	1265
Qatar	1279
Saudi Arabia	1284
Sri Lanka	1293
Syria	1308
Tunisia	1316
United Arab Emirates	1325
Yemen Arab Republic	1330
Yemen, People's Democratic Republic of	1338
APPENDIXES:	
A. Notes on preparation of the reports	1343
B. Reporting on worker rights	1346
C. Selected international human rights agreements	1348
D. Explanation of statistical tables	1355

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES

INTRODUCTION

1986 Human Rights Report

This report is submitted to the Congress by the Department of State in compliance with Sections 116(d)(1) and 502B(b) of the Foreign Assistance Act of 1961, as amended.* The legislation requires human rights reports on all countries that receive aid from the United States and all countries that are members of the United Nations. In the belief that the information would be useful to the Congress and other readers, we have also included reports on countries which do not fall into either of these categories and which are thus not covered by the Congressional requirement.

A cast of hundreds has once again produced our annual country reports on human rights. Special thanks go to the human rights officers in our posts abroad whose responsibility it is to write the initial drafts. Note also has to be taken this year of the fact that the endeavors of two of them, Michael Matera in Moscow and Daniel Grossman in Leningrad, resulted in the interruption of their careers as the Soviet Government declared them persona non grata.

As we again survey human rights conditions in the world, we are once more struck by the close correlation between the existence of a democratic form of government and respect for the integrity of the person. In 1986 we are pleased to note the further consolidation of democratic rule throughout Latin America as Guatemala elected a new government and the Haitian dictatorship came to an end. Only a small handful of countries in the Western Hemisphere remain under dictatorial rule and practice the human rights deprivations with which dictatorships

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* Section 116(d)(1) of the Foreign Assistance Act provides as follows:

"The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by January 31 of each year, a full and complete report regarding --

"(1) the status of internationally recognized human rights, within the meaning of subsection (a) --

(A) in countries that received assistance under this part, and

(B) in all other foreign countries which are members of the United Nations and which are not otherwise the subject of a human rights report under this Act."

Section 502(B)(b) of the Foreign Assistance Act provides as follows:

"The Secretary of State shall transmit to Congress, as part of the presentation materials for security assistance programs proposed for each fiscal year, a full and complete report, prepared with the assistance of the Assistant Secretary of State for Human Rights and Humanitarian Affairs, with respect to practices regarding the observance of and respect for internationally recognized human rights in each country proposed as a recipient of security assistance."

are associated. The spectacular shift to democracy throughout Latin America during the last 5 years is indeed most gratifying to all those committed to the cause of human rights.

We are pleased also with the return of the Philippines to the democratic fold and the renewed respect for the rights of the individual in that country. Some progress has also been registered in a few other states, but at the same time we have witnessed serious regression in South Africa and the continuation of bleak and stultifying dictatorial rule in a great many other countries. The details are set forth herein.

This year there are 167 separate reports. Conditions in most countries are described to the end of 1986; for a few countries, significant developments occurring during the first weeks of 1987 are also included. The guidelines followed in preparing the reports are explained in detail in Appendix A. In Appendix B is a discussion of reporting on worker rights. Appendix C contains a list of 12 international human rights covenants and agreements. Appendix D is an explanation of the statistical tables following the reports on countries which received United States bilateral assistance within the last 3 fiscal years.

The 1986 reports include for the second time additional information on worker rights, as required by Section 505(c) of the Trade Act of 1974, as amended by Title V of the Trade and Tariff Act of 1984 (Generalized System of Preferences Renewal Act of 1984).* Although the legislation requires reports on worker rights only in developing countries that have been beneficiaries under the Generalized System of Preferences, in the interest of uniformity, and to provide a ready basis for comparison, we have here applied the same reporting standards that we have applied to all countries on which we prepare reports.

Definition of Human Rights

Human rights, as defined in Section 116(a) of the Foreign Assistance Act, include freedom from torture or cruel, inhuman or degrading treatment or punishment; prolonged detention without charges; disappearance due to abduction or clandestine detention; and other flagrant denial of the rights to life, liberty, and the security of person. Internationally recognized worker rights, as defined in Section 502(a) of the Trade Act, include (A) the right of association; (B) the right to organize and bargain collectively; (C) prohibition on the use of any form of forced or compulsory labor; (D) a minimum age for the employment of children; and (E) acceptable conditions of work with respect to minimum wages, hours of work, occupational safety and health. (Categories A and B are covered in Section 2.b. of each report, C in Section 1.d., and D and E in a final section, Conditions of Labor.)

In addition to discussing the topics specified in the legislation, our reports, as in previous years, cover other internationally recognized political and civil rights and describe the political system of each country. We have altered our previous discussion of the economic, social, and cultural situation by focusing on the issue of discrimination in these fields.

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* Section 505(c) of the Trade Act provides as follows:

"The President shall submit an annual report to the Congress on the status of internationally recognized worker rights within each beneficiary developing country."

In applying these internationally recognized standards, we seek to be objective. But the reports unashamedly reflect the U.S. view that the right of self-government is a basic political right, that government is legitimate only when grounded on the consent of the governed, and that government thus grounded should not be used to deny life, liberty, and the pursuit of happiness. Individuals in a society have the inalienable right to be free from governmental violations of the integrity of the person; to enjoy civil liberties such as freedom of expression, assembly, religion, and movement, without discrimination based on race, ancestry, or sex; and to change their government by peaceful means. The reports also take into account the fact that terrorists and guerrilla groups often kill, torture, or maim citizens or deprive them of their liberties; such violations are no less reprehensible if committed by violent opponents of the government than if committed by the government itself.

We have found that the concept of economic, social, and cultural rights is often confused, sometimes willfully, by repressive governments claiming that in order to promote these "rights" they may deny their citizens the right to integrity of the person as well as political and civil rights. There exists a profound connection between human rights and economic development. Experience demonstrates that it is individual freedom that sets the stage for economic and social development; it is repression that stifles it. Those who try to justify subordinating political and civil rights on the ground that they are concentrating on economic aspirations invariably deliver on neither. That is why we consider it imperative to focus urgent attention on violations of basic political and civil rights, a position given renewed emphasis by the 1984 Congressional Joint Resolution on Torture. If these basic rights are not secured, experience has shown, the goals of economic development are not reached either.

United States Human Rights Policy

From this premise, that basic human rights may not be abridged or denied, it follows that our human rights policy is concerned with the limitations on the powers of government that are required to protect the integrity and dignity of the individual. Further, it is in our national interest to promote democratic processes in order to help build a world environment more favorable to respect for human rights and hence more conducive to stability and peace. We have developed, therefore, a dual policy, reactive in the sense that we continue to oppose specific human rights violations wherever they occur, but at the same time active in working over the long term to strengthen democracy.

In much of the world, the United States has a variety of means at its disposal to respond to human rights violations. We engage in traditional diplomacy, particularly with friendly governments, where frank diplomatic exchanges are possible and productive. Where we find limited opportunities for the United States to exert significant influence through bilateral relations, we resort to public statements of our concerns, calling attention to countries where respect for human rights is lacking. In a number of instances, we employ a mixture of traditional diplomacy and public affirmation of American interest in the issue.

The United States also employs a variety of means to encourage greater respect for human rights over the long term. Since 1983 the National Endowment for Democracy has been carrying out programs designed to promote democratic practices abroad, involving the two major United States political parties, labor unions, business groups, and many private institutions. Also, through Section 116(e) of the Foreign Assistance Act, funds

are disbursed by the Agency for International Development for programs designed to promote civil and political rights abroad. We also seek greater international commitment to the protection of human rights and respect for democracy through our efforts in the United Nations and other international organizations.

Preparation of these annual Country Reports constitutes an important element of our human rights policy. The process, since it involves continuous and well-publicized attention to human rights, has contributed to the strengthening of an international human rights agenda. Many countries that are strong supporters of human rights are taking steps of their own to engage in human rights reporting and have established offices specifically responsible for international human rights policy. Even among countries without strong human rights records, sensitivity to these reports increasingly takes the form of constructive response, or at least a willingness to engage in a discussion of human rights policy. Experience has thus demonstrated that Congress did indeed act wisely in calling upon the State Department to prepare these Reports.

Richard Schifter
Assistant Secretary of State
for Human Rights and Humanitarian Affairs

AFRICA

ANGOLA*

The People's Republic of Angola, the regime established in Luanda upon the withdrawal of the Portuguese in 1975, is ruled by the only recognized political party, the Marxist-Leninist Popular Movement for the Liberation of Angola (MPLA). President Jose Eduardo dos Santos is both Head of State and chief of the MPLA. His rule was reconfirmed by the MPLA's Second Party Congress in December 1985. All major policy decisions are made by a small elite in the MPLA, which also controls all means of mass communication. Open political dissension is not tolerated.

Now in its 11th year, the internal conflict between the Government and the main opposition force, the National Union for the Total Independence of Angola (UNITA), again dominated events in 1986. The extension of the war to new areas in the north and the undiminished intensity of the fighting in the south caused many hundreds of casualties on each side. Each side accused the other of killing civilians and committing atrocities. In addition, some 200,000 to 500,000 persons in central, eastern, and southern Angola have been displaced from their homes largely as a result of civil strife.

A number of deaths also occurred in the course of hostilities between the Southwest Africa People's Organization (SWAPO--a Namibian resistance movement with bases in Angola) and South Africa, which controls the territory of Namibia on Angola's southern border. During 1986 South Africa conducted repeated cross-border raids into Angola, including a June 5 raid on the southern port of Namibe and almost continuous interventions in pursuit of SWAPO and in support of UNITA.

The Angolan Government receives extensive military assistance from the Soviet Union--well over $4 billion since 1975--and in 1986 Soviet advisers again played an important role in planning and directing military operations. An estimated 35,000 Cuban military personnel provide logistical support, training, and advice to government forces as well as garrison key strategic population and economic centers. The Angolan armed forces total approximately 100,000. UNITA, led by Jonas Savimbi, apparently has the allegiance of a substantial portion of the population, especially among Angola's largest ethnic group the Ovimbundu, and controls the southeastern quarter of Angola's territory. UNITA has stated publicly that it favors a government of national unity and has not sought to establish an alternate government.

The intensification of the fighting has devastated the country's infrastructure, forced a return to barter in some areas, and has led the Government to divert most of its assets to the military. Payments to the Soviet Bloc for military equipment and Cuban combat troops are a heavy burden on the economy. In addition, the low world market price of oil, the principal source of the Angolan Government's revenue as well as most of its foreign exchange, has exacerbated this serious economic situation. With the end of the drought, the production of food crops recovered somewhat in 1986, but the

*The United States does not maintain diplomatic relations with the People's Republic of Angola and thus has no diplomatic personnel in country to monitor human rights conditions or evaluate allegations of abuses.

military conflict increasingly interfered with harvest and distribution efforts. Angola has had to import 80 percent of its food in recent years, at a cost of about $300 million a year. Oil production and exploration continued, with new discoveries reported in 1986 off the northwestern coast of Angola.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

The escalation of the war in Angola has resulted in numerous allegations that government, UNITA, and South African forces have killed civilians and that the MPLA and UNITA have executed political prisoners. While it is difficult to substantiate the various claims and counterclaims, available evidence suggests that both government and UNITA forces have on occasion arbitrarily executed prisoners. The fighting has also resulted in hundreds of civilian deaths. Undoubtedly, some of these deaths were inadvertently caused by military operations, but others appear to have been deliberately perpetrated by opposing forces to intimidate civilian populations. The MPLA and UNITA have publicly and repeatedly accused each other of practicing terrorism against their respective opponents, including killing or maiming civilians. UNITA has charged that Cuban forces have also been involved in attacks on civilians. Civilians also have died as a result of guerrilla actions, such as attacks on ground transportation. There are no reliable casualty figures, but upwards of 10,000 persons may have lost limbs as a result of indiscriminate mining.

b. Disappearance

There is no information to confirm that abductions, secret arrests, or clandestine detentions are practiced by government security agencies, or by UNITA, although both sides have accused each other of such practices.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Allegations of torture and mistreatment made by both sides appear to have some basis in fact. But torture of opponents does not appear to be a systematic practice of either the Government or UNITA.

Angolan prisons are overcrowded, with substandard diet and sanitation, but these conditions seem to reflect the poor state of the economy rather than deliberate maltreatment. There are some unconfirmed reports that foreigners are not well treated, but Americans who have been imprisoned in Angola appear to have been relatively well treated and to have had access to medical care.

Prison authorities reportedly have wide latitude in the treatment of prisoners. Treatment of political prisoners at the prisons controlled by the Ministry of State Security is alleged to be harsher than treatment in the regular prisons. Mistreatment reportedly includes physical intimidation, including beatings and threats, and prolonged interrogation with the use of force. Prison visits appear to be arbitrarily

restricted in many instances. Foreign advisers, including Cubans and East Germans, are involved in assisting Angolan state security services and may be involved in helping to run state security prisons. The Government continues to put captured UNITA supporters on public display.

Very limited information is available on the situation and administrative structure within UNITA-held areas. It is known, however, that UNITA holds a number of foreign and government prisoners, captured in the course of military operations, in makeshift facilities in its areas of control in southeastern Angola. There have been no reports that UNITA has mistreated its prisoners. During 1986 UNITA cooperated with the International Committee of the Red Cross (ICRC) in releasing foreign prisoners, including some 200 hostages taken in March. None of the released alleged mistreatment.

d. Arbitrary Arrest, Detention, or Exile

Two of the most persistently and frequently reported charges of human rights violations have been arbitrary arrest and imprisonment without due process. Numerous reports allege that persons are arrested and imprisoned by the Government on suspicion or denunciation by others and, in some cases, held for years without being notified of the charges against them. In its 1986 Report, Amnesty International judged that there continue to be few safeguards against the arrest and detention of political suspects by Government security services.

Under Angolan law, persons suspected of committing serious acts against the security of the state may be held by the Ministry of State Security without charge for an initial period of 3 months, renewable for a further period of 3 months. Such detainees need not be presented to a judge within 48 hours of their arrest, as otherwise stipulated in the code of criminal procedure, and apparently have no right to challenge the grounds of their detention. After 6 months in detention without charge, the detainee must be informed of the accusations against him, with the state security service either informing the public prosecutor of the charges against the suspect or releasing him. Once the case is presented to the public prosecutor, there does not appear to be a specific time limit within which a suspect must be brought to trial, and many political detainees--the exact number is not known but may be at least several hundred--have been held for years without being tried.

The deterioration of the security situation has contributed to the general deterioration of judicial safeguards and due process. The Government has established regional military councils throughout much of Angola. They are responsible directly to President Dos Santos and have broad authority to restrict the movement of people and goods, to requisition people and goods without compensation, and to try crimes against the security of the State. The Government has also created "people's vigilance brigades" for urban areas, whose powers are not clear but include general administration and "protecting the people and ensuring public order and stability."

During 1986 both sides reportedly relied increasingly on forced conscription of young males for recruitment into the military forces. In 1984 the Angolan Government was cited by the International Labor Organization (ILO) in Geneva for being in violation of ILO Convention 105, which prohibits forced labor.

ANGOLA

The basis of this citation is Angolan legislation still in force providing for compulsory labor for breaches of labor discipline and participation in strikes.

e. Denial of Fair Public Trial

The Constitution states that no citizen shall be arrested and brought to trial except under the terms of the law, and it guarantees the right of the accused to a defense. There is, however, insufficient evidence to determine to what extent these rights are observed in practice. Amnesty International expressed concern in its 1986 Report that trials of government opponents, notably in military tribunals, do not conform to internationally recognized trial standards. In particular, defendants reportedly were not given adequate opportunity to present their defense or appeal their cases. Judicial lines of authority are unclear, especially since the regional military councils have been given responsibility for the trial of offenses against the security of the State, including "economic crimes." It is not known which trials are open to the public and under what rules of procedure the various military and civilian courts operate. The Constitution provides for a People's Supreme Court, but its jurisdiction is not known.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although the Constitution guarantees the inviolability of the home and privacy of correspondence, the Government conducts arbitrary searches of homes, censors private correspondence, and monitors private communications.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of expression "in the context of the achievement of the basic objectives of the People's Republic of Angola." In fact, the Angolan people live under censorship, intimidation and Government control of the media. Opposition views are not tolerated, and critics such as Bartolomeu Dias Fernandes, who was accused of "insulting the Head of State," have been sentenced to long prison terms.

The Government is especially sensitive to criticism in the foreign press. But in 1986 the Government began to allow the travel of foreign correspondents to Angola in a controlled flow. Angola subscribes to the "Front Line" States' ban on accepting South Africa-based news correspondents. The circulation of Western journals and periodicals in Angola is tightly restricted.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is denied to any political group or movement other than the MPLA. All other political movements have been banned. There are numerous unconfirmed reports of arrests of people who voice support of opposition movements or alternative political systems. The people's vigilance brigades, which have some law enforcement authority in urban areas, and the martial law climate throughout the country tend further to restrict freedom of assembly and association.

ANGOLA

The only trade union movement in Angola is the National Union of Angolan Workers, which is controlled by the MPLA and is a member of the continent-wide Organization of African Trade Union Unity. Traditional labor union activities are tightly controlled by the Government, and legislation ensures only a single trade union structure. Strikes are prohibited by law as a crime against the security of the State.

c. Freedom of Religion

Although the Constitution guarantees the inviolability of freedom of conscience and belief and provides for separation of church and state, the Government publicly emphasizes the importance of propagating "atheism" and has been critical of religious activities. The overwhelming majority of the Angolan population is Christian, however, and the Government has not moved to close down churches. Church services are regularly held, and there is widespread attendance. Foreign and Angolan missionaries are allowed to carry out their normal activities. Reportedly, UNITA respects freedom of religion in the areas it controls. But in 1986, UNITA several times captured foreign missionaries, releasing them unharmed after publicly warning them of the dangers of being caught in the war's crossfire.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

As a result of the increased fighting, the Government is acutely security-conscious and has tightly restricted travel. Indeed, travel by road in most areas of Angola is dangerous. The Government has instituted a pass system within Angola, and foreigners are generally prohibited from traveling outside the principal cities. UNITA has publicly warned that it considers all of Angola to be a war zone and that it cannot guarantee the safety of persons traveling there.

Angolan citizens are allowed to travel abroad, but this travel is carefully controlled by restrictions on issuance of passports and exit visas and by currency restrictions. Emigration is restricted. The Government limits travel to Angola through a selective and stringent visa policy. Angola is a party to the U.N. Protocol Relating to the Status of Refugees. There are currently approximately 70,000 Namibian, 15,000 Zairian, and 9,000 South African refugees or displaced persons in Angola. Since mid-1980, between 120,000 and 140,000 former Zairian displaced persons in Angola returned home under the auspices of the U.N. High Commissioner for Refugees.

Approximately 200,000 Angolans have taken refuge in Zaire since 1975, and an estimated 100,000 have taken refuge in Zambia. Of the estimated total of 400,000 Angolans who have left the country since independence, the Government claims that 180,000 have returned, but this claim cannot be verified.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their Government. Angola is ruled by a small group of officials within the party apparatus of the ruling MPLA. The Constitution provides for popular participation in the political process, but political activity is limited to participation in the MPLA or in one of its controlled and sanctioned organizations such as its youth wing, the Angolan Women's Organization, or the trade union movement. Political power is centered in the elite membership

of the politburo and the somewhat larger central committee. Party membership is very restricted, with fewer than 30,000 members out of a population of almost 8 million, according to the official media.

The Constitution provides for a popularly elected National People's Assembly, established in 1981, and people's assemblies at the provincial and local level. However, despite recent suggestions from President Dos Santos that the powers and membership of the National People's Assembly be broadened, as of the end of 1986 only candidates chosen and endorsed by the party have been elected. Key members of the party also hold leadership positions in the people's assemblies.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has allowed the ICRC and United Nations International Children's Emergency Fund (UNICEF) to provide food and medical assistance in areas it controls, and UNITA allows the ICRC to conduct similar operations in areas it controls or is contesting. The Government permitted the ICRC to visit one South African prisoner in Luanda but did not respond to ICRC requests for access to all persons arrested in connection with internal events and the military situation in the country. In its 1986 Report, Amnesty International reports mixed success in receiving Government responses to its inquiries and the information necessary to investigate possible abuses and track outstanding cases.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Angola's population of about 8 million is growing at the rate of 3 percent a year. Estimated gross domestic product per capita in 1985 was approximately $540, but this reflects the oil revenues from the Cabinda field and has little meaning to the bulk of the population in the midst of civil war and in any case has been stagnant. Many rural inhabitants have abandoned the countryside to seek food and safety in urban areas, such as Luanda, which have been overwhelmed by the influx. Given the great poverty and hardship prevailing in most of Angola, it is difficult to point to the possible effects of discrimination on the basis of race, sex, religion, language, or social status. For the average Angolan, life is nasty, brutish and short.

Both the MPLA and UNITA have primarily ethnic bases of support--the MPLA among the Kimbundu, and UNITA among the Ovimbundu. Members of all of Angola's ethnic groups and religions, as well as women, participate in the MPLA, some at high levels of the party. But non-Kimbundu groups are greatly underrepresented in the small group within the ruling MPLA central committee and politburo. Over the last year, several prominent mesticos (Angolans of mixed racial background numbering only about 1 percent of the population) in the ruling MPLA have been removed from office or demoted. But mesticos remain the most highly skilled and educated group and are influential--politically, culturally, and economically--beyond their numbers. Women and blacks were given more positions in the top leadership by the 1985 Second Party Congress.

CONDITIONS OF LABOR

There is no information available on working conditions in Angola.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ANGOLA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	2.7	4.2	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.7	4.2	0.0
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	2.7	4.2	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.7	4.2	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	2.7	4.2	0.0
E.RELIEF.EC.DEV & WFP.	2.7	2.2	0.0
VOL.RELIEF AGENCY.....	0.0	2.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	2.7	4.2	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.7	4.2	0.0
OTHER US LOANS.....	84.8	0.0	0.0
EX-IM BANK LOANS.....	84.8	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	33.1	1.3	0.0	75.1
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	31.7	1.0	0.0	47.5
UNDP	1.4	0.3	0.0	18.5
OTHER-UN	0.0	0.0	0.0	9.1
EEC	0.0	0.0	0.0	0.0

BENIN

Following independence from France in 1960, Benin experienced political instability and numerous changes in government until 1972, when the army staged a decisive coup that brought the present Government, headed by President Mathieu Kerekou, to power. In 1974, the new leadership declared the establishment of a Marxist-Leninist Government under the direction of a single political party, the People's Revolutionary Party of Benin. Despite the imitation of certain political structures, Benin's Marxism thus far bears little resemblance to that of the Soviet Union. The party itself is directed by a small leadership group in which the influence of the military remains important. It controls the selection of candidates for the National Revolutionary Assembly and local government bodies. The military hold 9 out of 15 cabinet positions.

Early efforts at radical political and social transformation in the mid-1970's encountered widespread resistance and resulted in significant erosions of political and personal liberties. An unsuccessful coup attempt in 1977 was followed by a period of intense suspicion toward foreigners and domestic critics. In recent years, however, the authorities have exhibited greater tolerance of divergent social and political views.

Benin is ranked as one of the world's 35 poorest countries; its underdeveloped economy is largely supported by subsistence agriculture (80 percent of the population lives in rural areas), a small commercial sector, and recently oil production, located offshore near Cotonou. Economic activity has been hampered by the Government's efforts to institute centralized controls. In 1985 mounting balance of payments problems and rising debt service costs led the Government to enter into negotiations with the International Monetary Fund to reduce the number of state enterprises and to encourage foreign private investment.

The human rights situation improved somewhat in 1986. There was an absence of incidents which might have caused the Government to use repressive measures. There were, however, credible reports that approximately 15 students were arrested at the National University in order to forestall anticipated demonstrations.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killings.

b. Disappearance

There were no reports of disappearance or secret arrests.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

In its 1986 Report, Amnesty International noted reports that some persons detained on political grounds in 1985 had been tortured or ill-treated.

BENIN

Prison conditions in Benin are very poor. Sanitation facilities are inadequate, there is overcrowding, and the food supply is inadequate unless supplemented by food from friends or relatives. Physical punishment reportedly occurs.

d. Arbitrary Arrest, Detention, or Exile

Benin's legal system provides for the review of detentions by a court of law in all but a few sensitive political cases. The Constitution states that no citizen may be arrested without an order of arrest by an established judicial body. In practice, however, persons have been detained, some for extended periods, without charge and without recourse to legal assistance or judicial hearing. For example, the American Association for the Advancement of Science has reported that a Beninese physician, Afolabi Biaou, was arrested in November 1984 and has been detained without charge since that time. Biaou was previously involved with the "Support Committee for Former Political Prisoners" in Benin and was allegedly arrested en route to the presidential palace where he had been summoned for a meeting. Most of these arrests have occurred during periods of political tension. Prior to his departure in October to meet with Western European leaders, President Kerekou ordered the release of about 50 prisoners held since 1985 for having participated in strikes. Lengths of incarceration before trial are at the discretion of the authorities. Although arrests are not publicized, no special attempt is made to keep them secret.

There were no reports alleging the use of forced labor, which is prohibited under Beninese law.

e. Denial of Fair Public Trial

Benin's judicial system is allowed to function independently in all but sensitive political cases. In such instances, detainees may or may not be permitted legal counsel or granted a public hearing. There is no time limit with respect to charging a defendant or bringing the accused to trial. In recent years, the Government has used only the established civilian "revolutionary court" system. These courts are organized on provincial and national levels, and there are plans for courts at the district level once sufficient judges have been trained. The highest court of appeal is the Central People's Court.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although Benin's Constitution guarantees the inviolability of the home and requires a warrant from a judge before the police can enter a residence, there have been occasional unconfirmed reports of forced entries in sensitive political cases. Other reports indicate that security police monitor telephones and the mail of suspected persons. There are no other known types of interference with the home or family.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

With two exceptions, the local press, radio, and television are all government owned and operated. The exceptions are a weekly paper published by the Catholic church and Echo, a monthly journal of opinion circulated throughout West Africa.

While both deal with political issues, they do so with circumspection. The official media carry only those stories that are approved by or serve the interests of the party-state. Opposition to government policies and open criticism of the Government are not tolerated. Academic freedom on nonpolitical issues, however, is permitted, and there is normally no censorship of foreign books and artistic works. Foreign radio broadcasts are readily available to much of the population through shortwave radio. No attempt is made to interfere with radio reception.

b. Freedom of Peaceful Assembly and Association

All meetings of a political nature must be sponsored by the single political party. Although organized public opposition to the Government itself is not permitted, there are numerous examples of groups which have organized to protest specific government policies or actions. In recent years, the Government has welcomed the formation of a wide variety of private social, service, and professional organizations (including Lion and Rotary clubs), many of which maintain active international affiliations. There is no known persecution of professional groups.

Labor unions are organs of the party and unified under a general labor organization, the Union Nationale des Syndicats des Travailleurs du Benin (UNSTB). Although controlled by the Government, individual local unions negotiate with individual employers on labor matters and represent workers' grievances to employers and to the Government. The Government often plays the role of arbiter.

Although the right to strike is not explicitly denied or protected, it is clear that labor strikes are not sanctioned. The Constitution of 1977 states that "union activities are guaranteed to workers" but "must be used for the elevation of the conscience of the proletarian class and for the augmentation and continued development of production." When labor actions occasionally occur in Benin (usually by students rather than workers), they take the form of brief work stoppages to protest such things as late salary or scholarship payments.

c. Freedom of Religion

Christianity, Islam, and traditional religions all coexist in Benin, and adherence to a particular faith does not confer any special status or benefit. With the exception of one group, Celestial Christianity, which has been declared illegal by the Government, there are no restrictions on religious ceremonies or teachings, and religious conversion is freely permitted.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Domestic movement is not restricted. International movement is controlled in that a passport and exit permission must be obtained for travel to other than West African countries; obtaining these documents, however, is not difficult. Economic rather than governmental constraints usually preclude travel outside the region. There are no restrictions placed on residence within Benin, except for recently released prisoners who may be subject to travel restrictions.

BENIN

Emigration is common in Benin. Many Beninese move to neighboring countries to earn a livelihood without jeopardizing their citizenship. Beninese living abroad are encouraged by the Government to return home to help develop their country, but only a small number have done so. By far the largest group of displaced persons in Benin is Chadians who have fled the fighting in their country. There are, according to the United Nations High Commissioner for Refugees, about 3,300 displaced Chadians in Benin. Many of these are now permanently settled in Benin, although they are free to return to Chad if they wish.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Leadership is exercised by President Kerekou and a small group of senior party officials, many of whom hold positions in the Government. The electoral process allows for citizen participation in the nomination of candidates for the National Revolutionary Assembly, in theory the principal decisionmaking body of the Government. Party membership is neither a requisite for participation in this process nor for high office or civil service employment. The final selection of candidates for the single national slate, however, is made by the party leadership. No opposition parties or slates are permitted. The Assembly itself rarely takes issue with policies formulated by the party leadership.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government considers any outside attempt to investigate human rights practices to be interference in its internal affairs.

On February 25, 1986, the Government of Benin deposited instruments of ratification for the Organization of African Unity Charter on Human and People's Rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Historically, Beninese women have played a major role in the commercial sector as well as in small-scale family farming. Women have not had the same educational opportunities as men. Most boys now attend primary school, but only about one out of every two girls is in the primary grades. Nevertheless, the Government officially encourages new opportunities for women and, while there are no women in ministerial positions, a number of women figure prominently in executive level positions in the presidency and in the various ministries. There are two women on the central committee of the party. The ruling party has a women's organization -- the Organisation des Femmes Revolutionnaires du Benin (OFRB). As do other specialized party organizations, the OFRB serves to transmit party policy to its members. It also provides a channel for women's views to be made known to the party leadership.

CONDITIONS OF LABOR

The Government has given vigorous support to policies designed to improve the conditions of average workers in both the industrial and agricultural sectors. It has, for example, committed itself to the gradual extension of free or low-cost

medical care and social services; legislated minimum wage levels and occupational safety conditions; and established procedures and mechanisms for the protection of worker rights, including legislation prohibiting child labor. The Beninese labor code establishes a 40-hour workweek and implicitly defines a "minimum age" by authorizing participation in the social security system beginning at age 14. The civil service administration will not hire persons under 18. In many instances, however, the Government's ability to enforce these policies and regulations is limited by a shortage of administrative and financial resources and by the need for the entire family to farm subsistence plots of land.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BENIN (DAHOMEY)

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	3.0	3.2	1.5
LOANS...	0.0	0.0	0.0
GRANTS...	3.0	3.2	1.5
A.AID ...	0.0	0.4	0.2
LOANS...	0.0	0.0	0.0
GRANTS...	0.0	0.4	0.2
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE...	1.9	1.5	0.0
LOANS...	0.0	0.0	0.0
GRANTS...	1.9	1.5	0.0
TITLE I-TOTAL...	0.0	0.0	0.0
REPAY. IN $-LOANS...	0.0	0.0	0.0
PAY. IN FOR. CURR...	0.0	0.0	0.0
TITLE II-TOTAL...	1.9	1.5	0.0
E.RELIEF.EC.DEV & WFP.	0.5	0.7	0.0
VOL.RELIEF AGENCY...	1.4	0.8	0.0
C.OTHER ECON. ASSIST...	1.1	1.3	1.3
LOANS...	0.0	0.0	0.0
GRANTS...	1.1	1.3	1.3
PEACE CORPS...	1.1	1.3	1.3
NARCOTICS...	0.0	0.0	0.0
OTHER...	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.1	0.1
LOANS...	0.0	0.0	0.0
GRANTS...	0.0	0.1	0.1
A.MAP GRANTS...	0.0	0.0	0.0
B.CREDIT FINANCING...	0.0	0.0	0.0
C.INTL MIL.ED.TRNG...	0.0	0.1	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS...	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	3.0	3.3	1.6
LOANS...	0.0	0.0	0.0
GRANTS...	3.0	3.3	1.6
OTHER US LOANS...	0.0	0.0	0.0
EX-IM BANK LOANS...	0.0	0.0	0.0
ALL OTHER...	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL...	41.8	30.9	11.9	434.3
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	35.4	5.0	11.9	225.5
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	9.5	0.0	83.9
UNDP	3.2	2.9	0.0	31.2
OTHER-UN	3.2	0.0	0.0	9.4
EEC	0.0	13.5	0.0	84.3

BOTSWANA

Botswana is a multiparty democracy with free elections, an independent judiciary, a small police force, and a well-disciplined army subservient to civilian authority. Under the Constitution, executive power is vested in the President, chosen in a national election for a 5-year term, most recently in 1984. The President, currently Quett K.J. Masire, selects the Cabinet from the National Assembly. One party continues to dominate the country's politics: the Botswana Democratic Party (BDP) has held a majority in the National Assembly since independence and at the end of 1986 controlled 30 of 34 elective seats.

Botswana encourages private enterprise and free trade. All citizens, including those whites who accepted Botswana citizenship, are free to participate in the economic and political life of the country. Exploitation of the country's mineral resources has stimulated economic development, and per capita gross domestic product increased from $69 in 1966 to $950 in 1986. Despite this progress, about 75 percent of the population is dependent on subsistence agriculture and live in rural areas.

Botswana's human rights record generally remains good. Citizens receive equal protection under the law; domestic political violence is unknown; public debate, including that in the press, is lively; and several women hold positions of importance in the public and private sector. However, Botswana suffered increasing pressure from neighboring South Africa in 1986, which resulted in the Gaborone Government adopting a strong National Security Act, greatly enhancing the powers of the Attorney General and the police force in national security cases. As of August, 110 people had been arrested under this Act.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

The Government has never been accused of involvement in political killings. There is no guerrilla or insurgency activity directed against the Government. However, South Africa's May 19 commando raid killed one person, and a June 14 shooting incident (on the anniversary of South Africa's first raid on Gaborone) killed another, for which Botswana officially blamed the South African Government. No summary executions have occurred in Botswana.

b. Disappearance

The Constitution provides for the protection of personal liberty. However, the new National Security Act grants the Government the authority to hold detainees incommunicado on security grounds. Botswana's Chief of Police has lessened the full impact of this law by periodically stating publicly how many people have been arrested in connection with security matters. Most of those arrested have been South Africans who were temporarily detained for attempting to bring guns or contraband into Botswana without a permit. There was no evidence that this law led to the disappearance of any detainees.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reports of improper treatment by the police of criminals or criminal suspects during 1986. Prison conditions allow for adequate diet, health care, and visits from family members. Jails in Botswana can be crowded and inmates who have no relatives to see to their needs may encounter difficulty in arranging for maintenance. Flogging is permitted for infractions of prison rules and is mandatory punishment for rape, attempted rape, armed robbery, burglary, housebreaking, and related offenses. Traditional tribal courts presided over by a chief, where jurisdiction is limited to minor offenses, may also sentence individuals to be flogged.

d. Arbitrary Arrest, Detention, or Exile.

The Botswana Constitution contains a provision protecting citizens from arbitrary arrests. This provision still applies despite the passage of the new National Security Act. Preventive detention is illegal, and habeas corpus exists both in law and practice. Police are required to bring a suspect before a magistrate for charging within 48 hours of his arrest. There is a functioning system of bail, and defendants have access to lawyers of their own choosing. In security cases, the suspect must be arraigned within 96 hours of his arrest. In nonsecurity cases, suspects must be released after 48 hours unless the magistrate issues a warrant of detention which is valid for 14 days. Every 14 days the police must appear before the magistrate and show they are making progress in the case. To date there have been no known abuses of this system.

Forced labor is illegal in Botswana and is not practiced.

e. Denial of Fair Public Trial

The right to a fair public trail is provided by law and honored in practice; trials involving national security, however, may be closed to the public. Defendants are entitled to counsel; consultation between defendants and counsel may be held in private. There are clearly defined appeal procedures. The judiciary is independent of the executive and the military and consists of a High Court, Court of Appeals, magistrate courts, and customary courts. The High Court has ruled that there exists the right against self-incrimination in the courts. Moreover, silence cannot be construed as guilt, and the burden of proof remains with the prosecution except in security matters. Since no case has yet been tried under the National Security Act, legal practice under its provisions is not yet clear. There are no political prisoners in Botswana.

Botswana created a customary court of appeal in 1986, permitting cases tried in the traditional court system (which exists alongside the magistrate's courts) the right to appeal judgments in familial and property cases. About 100 cases were heard in this court during its first 6 months of existence.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

These rights are safeguarded by law and respected in practice. A search warrant issued by a magistrate is required for an official to enter a private residence, except in cases of suspected diamond theft, drug trafficking, or national security matters. There were no reported instances in which this

authority was used for diamond or drug related cases in 1986, and the Government did not state whether the powers of search contained in the new National Security Act were used.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and of the press are guaranteed by the Constitution and are respected in practice. The government-owned newspaper and radio continue to report statements by all opposition parties. Three independent weekly newspapers publish articles on a wider range of views than the government-owned media. Reporting on several sensitive political issues during 1986 demonstrated that the independent press has continued to evolve. This development, along with an effective judiciary and a functioning democratic political system, combine to insure freedom of speech and of the press.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is a well-established tradition in Botswana, exemplified by the kgotla, a communal gathering similar to a New England town meeting in which citizens freely question leaders and voice opinions on local politics. Kgotla meetings are used regularly by political candidates and members of Parliament, including Ministers, to explain their programs to the people. Large gatherings require local police approval, which is routinely given. Demonstrations are permitted so long as order is maintained. Organizers are required to submit a detailed plan for any demonstration and are personally responsible for ensuring that the plan is followed.

Unions have the right to organize, to bargain collectively, and to strike after exhausting established procedures, which require that the Government be invited to arbitrate the dispute. In practice, strikes are very rare and the wildcat strike in the banking sector in late 1986 was quickly settled. Unions have chafed under government regulations which prohibit financial contributions to unions from outside Botswana and require that all union leaders continue to work full-time in the trade their union represents, thus preventing employment of paid, full-time union organizers. Unions are important in the country's largest industries (mining-related) but have not yet developed a base in other sectors of the economy. Completely independent of government control or party affiliation, unions in Botswana actively represent their members. Unions associate freely with international organizations, and members attend international conferences. The Botswana Federation of Trade Unions (BFTU) is affiliated with the International Confederation of Free Trade Unions and is also a member of the Organization of African Trade Union Unity and the Southern African Trade Union Coordination Council (SATUCC).

In March 1986, the Government canceled the residence permit of the Malawian Executive Secretary of SATUCC. The organization relocated its headquarters outside Botswana. While the Government gave no reason for its action, critics of its labor policy claim the expulsion was designed to limit foreign labor assistance to Botswana's trade unions as part of a policy of restraining organized labor.

BOTSWANA

c. Freedom of Religion

Open practice of religion is permitted and encouraged. There is no state religion. While most residents identify themselves with Christian sects, active groups of Muslims, Hindus, Baha'is, and others practice their faiths freely. Religious affiliation is neither an advantage nor disadvantage politically or socially. Religious conversion is permitted, and missionaries are allowed to enter the country and proselytize. Foreign clergy are also permitted to enter Botswana and to serve expatriate congregations.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.

Botswana citizens are subject to virtually no restrictions on emigration or repatriation. Domestic and foreign travel are unrestricted and passports are easily obtained. Refugees documented by the United Nations High Commissioner for Refugees (UNHCR) are generally required to live in the settlement at Dukwe in northern Botswana where conditions are relatively good, due mainly to contributions of international donor organizations. Refugees may be authorized to live elsewhere for reasons such as employment or schooling. As with other foreigners in Botswana, refugees are not permitted to accept jobs which could be filled by a local citizen. Due to allegations from some neighboring countries that refugees are using Botswana as a sanctuary in which to pursue activities against the governments of their respective home countries, Botswana has declared that Dukwe residents found outside the camp without permission will be considered to have abandoned refugee status and will be repatriated as a deterrent to questionable activities by other refugees.

In June 1986, Botswana's Minister of Presidential Affairs and Public Administration P.H.K. Kedikilwe (who holds the portfolio for refugee matters) reiterated Botswana's determination to continue to accept refugees despite the pressure by South Africa to cease. The Minister stated that Botswana would increase the screening of refugee applicants to make sure that the applicants have no ties to the African National Congress (ANC) or the Pan-Africanist Congress (PAC). Over 600 Zimbabwean refugees voluntarily returned home from Botswana during 1986. However, Botswana involuntarily repatriated one Zimbabwean, Makhatini Guduza, in February. In explaining this repatriation, Presidential Affairs Minister Kedikilwe stated that Botswana had "irrefutable evidence indicating Guduza's direct involvement in hostile activities against the Government of Zimbabwe," which he claimed constituted a violation of Guduza's status as a refugee. Kedikilwe added that Botswana had sought a country of second asylum for Guduza without success.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government.

Botswana is ruled by a government genuinely elected by its people. In the 1984 national election (the fifth since Botswana became independent), an estimated 70 percent of the eligible voters registered, and 86 percent of the registered voters actually cast their ballots. In 1986 Botswana held an important by-election in which an opposition party candidate won by a sizable majority despite a hard-fought campaign by the country's ruling party.

BOTSWANA

There are five parties in Botswana, three of which are represented in the country's National Assembly. Opposition parties now control three city councils in the country, including Gaborone, Jwaneng, and Francistown. However, one party, the Botswana Democratic Party (BDP), continues to dominate the country's politics, having held a majority in the National Assembly since independence in 1966.

The political rights of women and minority groups are generally observed. For example, there are two female members of Parliament, one the Minister of External Affairs, the other the executive secretary of the majority party. Several members of minority ethnic groups are also represented in the National Assembly; one white member of Parliament is also a cabinet minister, and the Speaker of the National Assembly is white. Several cabinet ministers are of Kalanga or Bakgaligadi descent.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Botswana cooperates with international agencies concerned with human rights, most notably the UNHCR which maintains offices within Botswana. There are no Botswana-based organizations set up to observe, report, or contest human rights violations. The Government consistently has responded promptly and forthrightly to inquiries on the human rights situation in Botswana but usually refrains from public comment on alleged human rights violations in neighboring countries. However, Botswana condemns apartheid and advocates positive socioeconomic development in South Africa.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

While 95 percent of the population is made up of the Batswana tribe, there are eight subgroups, and ethnic differences do exist in Botswana, though they play a marginal role in the country's politics. Only the approximately 50,000 Basarwa or Bushmen remain generally unrepresented in government. Because the Basarwa live primarily in remote, rural areas and have little contact with the population centers of Botswana, the Basarwa remain relatively unaffected by government educational and economic assistance programs and, consequently, have participated only marginally in the country's political life. The Government does not oppress or deny them rights, and they have full rights of suffrage.

Women hold approximately 24 percent of the paid jobs in Botswana. An estimated 41 percent of central government employees are women, many of them, as noted, in high-level positions. While there is little overt discrimination, statistics suggest that social custom elevates the perquisites and privileges of men above those of women. Some 40 percent of rural households are headed by women. Generally speaking, women's economic opportunities--access to capital, labor, draft animals, seeds for farming--are significantly worse than those of men. Women may choose between civil marriage, in which all property is held in common, or customary marriage, which recognizes individual property brought to a marriage. Most women are not aware of the implications of these alternatives, however. Often a married woman is unable to obtain a bank loan without the signature of her husband, and likewise an unmarried woman must obtain the signature of her

father. The Government has assisted in the publication of a women's rights handbook, and has established preference points for women seeking government-sponsored development loans.

CONDITIONS OF LABOR

Botswana law prevents the employment of children 12 years and younger by anyone except members of the child's immediate family. No juvenile under the age of 15 can be employed in industry, and only those over 16 can be employed in night work. No person 16 or younger is permitted to work in hazardous jobs, including mining. Women are not permitted to work at night (except on an emergency basis in agricultural work) and are not permitted to work as miners. Moreover, Botswana law protects young people from recruiters for jobs outside the country. The law also provides for minimum working standards, including job safety, maximum working hours per week, and a minimum wage. For some jobs during certain seasons, Botswana law permits a workweek longer than 48 hours (such as in agriculture during the harvest season).

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BOTSWANA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	20.3	23.7	16.5
LOANS.....	0.0	0.0	0.0
GRANTS.....	20.3	23.7	16.5
A.AID	10.8	10.1	13.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	10.8	10.1	13.7
(SEC.SUPP.ASSIST.)...	0.8	10.1	10.7
B.FOOD FOR PEACE.....	8.0	11.7	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	8.0	11.7	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	8.0	11.7	0.0
E.RELIEF.EC.DEV & MFP.	8.0	11.7	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	1.5	1.9	2.8
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.5	1.9	2.8
PEACE CORPS.....	1.5	1.9	2.8
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	9.2	9.3	3.7
LOANS.....	7.0	5.0	0.0
GRANTS.....	2.2	4.3	3.7
A.MAP GRANTS.....	2.0	4.0	3.4
B.CREDIT FINANCING....	7.0	5.0	0.0
C.INTL MIL.ED.TRNG....	0.2	0.3	0.3
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	29.5	33.0	20.2
LOANS.....	7.0	5.0	0.0
GRANTS.....	22.5	28.0	20.2
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	50.1	52.4	43.6	408.8
IBRD	45.3	10.7	33.6	265.8
IFC	0.0	0.0	0.0	0.8
IDA	0.0	0.0	0.0	14.8
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	41.0	0.0	72.3
UNDP	0.8	0.7	0.0	16.8
OTHER-UN	0.0	0.0	0.0	2.8
EEC	4.0	0.0	10.0	35.5

BURKINA FASO

Burkina Faso, one of the poorest countries in the world, is a victim of frequent drought and political instability. In August 1983, Captain Thomas Sankara took power as President of Burkina Faso and of the National Council of the Revolution (CNR), Burkina's main forum for political decisions, in the country's third military coup since 1980. No political party activities have been permitted since 1980, and there are no indications that the country will return to constitutional rule. Instead, the Government uses a network of Committees for the Defense of the Revolution (CDR), organized at national, regional, and local levels, to mobilize the population and promote its revolutionary goals.

Burkina Faso is overwhelmingly tied to subsistence agriculture, with 90 percent of the population living in rural areas. The economy is highly vulnerable to fluctuations in rainfall. Drought, lack of communications and other infrastructure, a low literacy rate, and a stagnant economy are all longstanding problems.

There was improvement in the human rights situation in Burkina Faso in 1986, and the Government amnestied all prominent political detainees. The confrontation between the Government and labor eased. However, arbitrary arrests and brief detentions without charges or trial of potential political opponents continued, albeit in diminished numbers. Trials of businessmen and civil servants continued, almost exclusively on fraud and corruption charges, outside the traditional judicial system in People's Revolutionary Courts where defendants had no recourse to legal counsel. Civil servants, military, and police accused of lack of enthusiasm for the revolution continued to be dismissed for reasons ranging from misconduct to laziness, although in lesser numbers than during 1984 and 1985.

Mali and Burkina Faso fought a 5-day border war in late December 1985 over the long disputed Agacher strip, potentially rich in mineral resources. Tensions between the two countries remain high, but a ruling from the International Court of Justice at the end of 1986 won praise from both countries, which have publicly vowed to abide by it. Prisoners from the December border war have been repatriated.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no known political killings.

b. Disappearance

There were no reports of politically motivated disappearance.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reports of torture in 1986, but there were several allegations of degrading treatment of detainees. Anonymous tracts alleged that certain students, trade union members, and teachers had been detained without charge and manhandled by security authorities.

Prison conditions are poor, in part because of the material poverty of the country.

d. Arbitrary Arrest, Detention, or Exile

Reports of arbitrary arrest, followed by detention for several days without charge, continued in 1986. In many cases, these appear to have been initiated by poorly trained CDR security patrols. The law permits preventive detention without charge for a maximum of 72 hours, renewable for a single 72-hour period in criminal cases. This law is generally followed in practice but with frequent exceptions for both Burkinabe and foreign nationals, especially in political cases. In cases of emergency or national security the military code overrides the civil code. Military code procedures provide for continued detention beyond 72 hours. For example, at least two suspects in a June 1985 ammunition dump explosion case were imprisoned for over 1 year without trial.

On August 4, Burkina Faso's national day, President Sankara amnestied all remaining suspects in the June 1985 incident plus a number of former ministers. Several prominent political personalities such as former President Colonel Saye Terbo, however, remained under a loose form of house arrest. Paul Rouamba, former ambassador to the U.S. and Ghana, remained imprisoned.

Several prominent intellectuals, military officers, and former government officials remained in self-imposed exile. Several times during late 1985 and in 1986, President Sankara publicly appealed to all exiles to return home, promising a place for them in Burkina Faso's struggle for economic development.

Forced or compulsory labor is prohibited by the labor code and is not known to be practiced.

e. Denial of Fair Public Trial

During 1986 the people's revolutionary courts, created in late 1983 with jurisdiction over state security and political crimes, heard cases involving primarily public corruption. The court president is a magistrate appointed by the Government to head the tribunal which is composed of magistrates, military personnel, and members of the Committees for the Defense of the Revolution. The court president asks questions directly of the defendant. There is no role for a public prosecutor, and the accused has no right to consult counsel during the session. Witnesses can be called by the court, or they can present themselves to give testimony. In 1986 these courts were used extensively but only in corruption and embezzlement cases.

President Sankara has said these people's courts should be viewed as a permanent part of the country's judicial system, and the Government is considering an expansion of such courts. The Government has already organized a series of similar tribunals to hear minor cases at the village, department, and province levels. Most of the judges in these courts are popularly elected. The Government's oft-stated aim in establishing these "popular" courts is to ensure fair access to justice for an overwhelmingly illiterate, impoverished population.

Meanwhile, the regular judiciary, patterned after the French system, has continued to function for criminal and civil cases. Defendants traditionally receive a fair trial and are

represented by counsel. However, the fact that some of those amnestied in 1986 were never tried, and most were sentenced on corruption charges by the people's revolutionary courts, illustrates the unlikelihood of a political detainee ever being brought to trial in the French-based legal system. Under the Government's reorganization program, the regular judiciary will likely be limited to responsibility for business and commercial law. The people's revolutionary courts will probably expand their competence in political and criminal cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Government authorities are not known to interfere in the privacy, family, home, or correspondence of ordinary citizens. Homes may be searched only under authority of a warrant issued by the Attorney General, a procedure generally followed in practice. There is no regular monitoring of private correspondence or telephones. However, in national security cases a special law permits surveillance and search of homes and persons and monitoring of telephones and correspondence without a warrant. This law has been used against individuals suspected of participation in coup plots.

The Government encourages participation in the Committees for the Defense of the Revolution (CDR). While there is little discrimination against those who choose not to become involved, vigorous participation in CDR activities helps in obtaining civil service appointments and promotions. The Government considers opposition to activities of the CDR's to be political opposition, which can lead in serious cases to such measures as discharge from the civil service.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

While there is no formal government censorship, the high pitch of revolutionary rhetoric, with its frequent references to enemies of the state at home and abroad, inhibits both government-employed journalists and ordinary citizens from taking advantage of their theoretical right to express critical views. The same inhibition, further stimulated by some sudden dismissals from government service and by reports of arbitrary arrest, continued to dampen a lively tradition of debate on political topics. University professors and administrators have been criticized for "elitism" and dismissed for alleged counterrevolutionary tendencies, although others have expressed critical views without government retaliation. University students are now subject to political education.

Under the control of the Minister of Information, the media, which consist of a daily and a weekly newspaper, two weekly magazines, and a government-operated radio/television station, are almost entirely government owned. There is no serious criticism of the Government in the media, which are charged with carrying official news to the people while defending the revolution. There are occasional government-authorized criticisms made of the performance of individual officials. Something approaching political criticism is found in a new satirical weekly, run by the Government itself, which concentrates on relatively harmless foibles of political leaders, including the President. Foreign newspapers and magazines continue to enter the country freely. Foreign

journalists travel and file stories without censorship or hindrance and enjoy easy access to government officials.

In the arts, movies are subject to censorship by a review board which includes religious authorities as well as government officials. During 1986 a wide variety of American, French and other foreign films were shown. In 1986 there were no instances of political censorship of movies. There is no interference with international radio broadcasts.

b. Freedom of Peaceful Assembly and Association

Political parties are banned and administrative permission is generally required for assemblies of any kind. Nonpolitical associations for business, religious, cultural, sporting, and other purposes are allowed and experience no difficulty in obtaining permission to meet.

Organized labor continues to be an important force in Burkina. There are four labor federations--of which the largest is affiliated with the International Confederation of Free Trade Unions. There are also a number of autonomous unions. The federations take turns representing organized labor at the International Labor Organization meetings and participate in African regional labor meetings as well.

Unions have the right to bargain for increased wages and other benefits within a specific bargaining unit such as a company or factory. They represent the interests of their members in the private and public sectors, as well as before the labor inspection service of the Government and before the courts. All unions jealously guard their independence from the Government. Organized labor has the formal right to strike, but the present Government has greatly restricted this right in practice.

The 1985 confrontation between the Government and labor eased in 1986. There were no known suspensions from public employment of union leaders, as occurred in previous years. A prominent Marxist trade union leader, Soumane Toure, was released from detention on October 2, leaving no known trade union leaders in prison. There were no indications that existing labor organizations would be brought under government control or replaced by a national labor federation. Jurisdictional conflicts with the CDR's diminished. President Sankara indicated he wishes to maintain a dialog with all Burkinabe trade unions.

c. Freedom of Religion

Burkina Faso is a secular state, and there is no discrimination discrimination on religious grounds. Islam and Christianity exist side by side, with about 25 percent of the population being Muslim and 10 percent Christian. The remainder practices traditional religions. Both Muslim and Christian holidays are recognized as national holidays. Social mobility and access to modern sector jobs are neither linked to, nor restricted by, religious affiliations.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Travelers within Burkina Faso are often stopped at police, army, and internal customs checkpoints. Moreover, armed CDR units maintain checkpoints between 1:00 a.m. and 5:00 a.m.,

though these checks diminished in frequency during 1986. Foreign travel for business and tourism is not restricted. Exit permits, once used to limit movements of workers to neighboring countries, particularly to the Cote d'Ivoire where 1 million or more Burkinabe continue to reside and work, are no longer required. Refugees are accepted freely in Burkina Faso and attempts are made to provide for their care in cooperation with the United Nations High Commissioner for Refugees. The Government cooperated with the International Committee of the Red Cross (ICRC) in allowing ICRC visits to prisoners of war following the 5-day war with Mali and in facilitating emergency assistance to some 4,000 displaced persons.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Supported by the military, President Thomas Sankara rules in the name of the National Council of the Revolution (CNR), the composition of which has never been disclosed. There is neither a legislative body nor any recognized political opposition group. In consultation with the CNR, Sankara appoints his Cabinet, which currently consists of 23 posts, 4 held by military personnel and the rest by civilians, including 5 women. The Government has not given any hint of plans for elections or for a return to constitutional government.

In November 1985, the CNR created a hierarchy of commissions bringing together CDR officials, government ministry authorities, and provincial authorities culminating in a special commission chaired by the President himself that first met in September 1986. These commissions are apparently intended to ascertain what the population needs and to guide the administration in providing it. They are only beginning to function; their political role is not yet clear. The Government is the largest employer and uses its control over jobs to ensure political support. The number of dismissals on political grounds was significantly lower in 1986 than in 1985.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A government-supported organization lobbies against the South African apartheid system and other racial oppression, but it makes no effort to look into domestic human rights issues or foreign practices other than racial discrimination. The Government has made no attempt to hinder the activities of international human rights organizations. It denied reports by Amnesty International in its 1986 Report (covering 1985) which stated that several alleged political opponents of the Government had reportedly been severely tortured, including by electrical shocks, and that one person may have died as a result of this torture.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Minority ethnic groups are as likely to be represented in the inner circles of the Government as are the dominant Mossi, who comprise 50 percent of the population. Government decisions do not favor one ethnic group over another. One announced reason for the increase in administrative regions from

11 to 30 since the August 1983 coup was to improve access of minority groups to local administrative authorities.

The role of women in Burkina Faso is still limited by the cultural orientation of a rural African society. For example, male children attending school outnumber female children by about two to one. The Government has emphasized its strong commitment to expanding opportunities for women, including educational opportunities. The Ministry of Family Progress plays a leading role in promoting greater participation by women in the nation's economic, social, and political life. In addition to the five women ministers in the current Cabinet, women have been appointed high commissioners in several provinces, and women have been named as magistrates in the judicial system.

CONDITIONS OF LABOR

The labor code sets the minimum age for employment at 14, the average age for completion of basic secondary school. However, the Government lacks the means to enforce this provision adequately, owing to the large number of small family subsistence farms, and the traditional apprenticeship system. A minimum monthly wage of about $75 and a maximum work week of 48 hours are stipulated by the labor code, as are safety and health provisions within the capabilities of the country's relatively small nonagricultural sector. A system of government inspections and labor courts ensures that these provisions are applied in the industrial and commercial sectors, but they have been impossible to enforce in the dominant subsistence agriculture sector.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BURKINA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	17.6	26.7	16.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	17.6	26.7	16.2
A.AID	0.0	7.6	14.9
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	7.6	14.9
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	16.1	17.6	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	16.1	17.6	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	16.1	17.6	0.0
B.RELIEF.EC.DEV & WFP.	6.6	4.4	0.0
VOL.RELIEF AGENCY.....	9.5	13.2	0.0
C.OTHER ECON. ASSIST...	1.5	1.5	1.3
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.5	1.5	1.3
PEACE CORPS.....	1.5	1.5	1.3
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	17.6	26.7	16.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	17.6	26.7	16.2
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	49.1	64.5	0.0	591.6
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.5
IDA	7.4	51.9	0.0	315.4
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	41.4	1.4	0.0	95.2
UNDP	0.3	1.2	0.0	53.0
OTHER-UN	0.0	0.0	0.0	16.1
EEC	0.0	0.0	0.0	111.4

BURUNDI

The Republic of Burundi is a one-party state led by President Jean-Baptiste Bagaza, an army colonel who came to power in 1976 through a bloodless coup. The role of the military in the Government is still influential but has steadily declined in day-to-day governance as Bagaza has appointed civilians to most key government positions. The National Party for Unity and Progress (UPRONA) is the only signficant political entity in Burundi. As head of the party and the Government, President Bagaza has a dominant policy role. He also has certain decree powers and appoints and dismisses judges. The dominance of the minority Tutsi over the majority Hutu ethnic group is the central political and social reality of Burundi which continues today through Tutsi control of emerging political institutions and the military. However, Bagaza has instituted a policy of tribal reconciliation and has appointed Hutus to all levels of government, which reflects an improvement in representation in the Government over past years.

The armed forces maintain law and order. In addition, there is a regular police force responsible for civil and criminal offenses and a separate force of security police responsible primarily for internal state security, including the monitoring of dissent. The State Security Police have the same powers of arrest as the regular police and are subject to the same process of judicial review of detentions.

Burundi is a very poor country with one of the highest population densities in Africa. Most Burundi earn their livelihood as subsistence farmers working small, privately owned plots. The small monetary economy is based on coffee, which accounts for 85 percent of foreign exchange. Recent gains made in food production and agriculture have been largely offset by the high population growth rate.

Although there were some positive developments in the human rights scene in Burundi in 1986, the overall picture was clouded by the Government's intensified crackdown on freedom of religion. The Government seized six Catholic seminaries and all the property attached to them, suspended the church-run literacy classes, and closed the church in one Catholic parish. In addition, there were new arrests of priests and catechists accused of criticizing the Government, and missionary expulsions intensified. The Government released 47 Seventh-Day Adventists who had been imprisoned for refusing to perform community work on Saturday mornings. However, later in the year, two other Adventists were arrested for the same reason.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for Integrity of the Person, Including Freedom from:

a. Political Killing

There were no allegations of killings for political motives or reports of summary executions.

b. Disappearance

No disappearances caused by the Government or by other groups were reported. Prison authorities reportedly could not account for all persons who had been detained, but whether

those unaccounted for died in prison, escaped, or were released remains to be determined.

c. Torture and Cruel, Inhuman or Degrading Treatment or Punishment

Torture is forbidden by law, but cruel treatment of suspects or detainees has occurred in the form of beatings at the time of arrest or interrogation. The Government admits that isolated instances of abuse of prisoners by prison guards or officials do occur but insists that those responsible for such abuses are punished when discovered. In fact, two ranking law enforcement officials were sentenced to 6-year prison terms in 1986 for torturing a man to death during his interrogation.

Prison conditions are severe due to overcrowding and lack of adequate hygiene, medical care, and food. Prisoners are segregated according to the nature of their crimes, are allowed regular family visits, and participate in rehabilitative work programs, including agricultural production. Due to inadequate prison budgets, food rations are very limited, and there have been several reports of deaths in prison from starvation. Families are encouraged and expected to provide supplemental food and other personal items to their imprisoned relatives. The Government admits that this is a serious problem in the prisons and it is trying to improve conditions.

d. Arbitrary Arrest, Detention, or Exile

In theory, police officers are empowered to detain suspects without an arrest warrant but must submit a written report to the public prosecutor's office within 24 hours. The public prosecutor examines the report and can either order the release of the detainee or issue an arrest warrant valid for 5 days. The public prosecutor must then state the charges before a magistrate in the presence of the detainee. The magistrate either releases the detainee or issues orders confirming the detention, initially for 15 days and subsequently for 30-day periods as necessary to prepare the case for trial. Bail is set only in cases of embezzlement or similar crimes involving financial wrongdoing.

However, the prescribed procedures for arrest and imprisonment are not always followed. The elapsed time between an arrest and the notification of the public prosecutor often extends to several days, and detainees do not always appear before a magistrate within the allotted 5 days from arrest. In most cases, a judicial review of the arrest usually takes place. Relatives or consular representatives are almost always made aware of arrests or detentions, generally at the time of incarceration, and detainees are usually permitted to go to their homes prior to being brought to the place of detention.

The Government does not exile its nationals. Citizens of other countries suspected of criminal activity or lacking proper residency documents are expelled.

Forced or compulsory labor is not permitted under current law, but most citizens are expected to perform community service on Saturdays.

e. Denial of Fair Public Trial

The judiciary's independence is limited by the requirement to adhere to the guidance and recommendations of the party, the Government, and the President. Judges are appointed by and serve at the pleasure of the President. Nevertheless, there is a high degree of autonomy in the court's daily administration of justice, and a number of procedural safeguards are generally observed. Though court decisions cannot be overturned by the executive branch, the President has the power to pardon or reduce sentences.

Burundi has separate court systems to deal with military, civil/criminal, and state security cases. Military tribunals have jurisdiction only over military personnel. The State Security Court has jurisdiction over both civilian and military personnel, and its proceedings need not be made public. As of the end of 1986, this court had not been used. Burundi law provides the right to counsel, and indigents are provided defense counsel by the State. Pretrial proceedings may involve lengthy investigations. The public prosecutor's office generally dismisses cases where the evidence in support of the charges is weak and only proceeds to trial when it believes guilt has been established.

During the past 6 years, the Government has taken steps to improve the judicial system, and the 1984 Party Congress recommended additional judicial reforms. New courts have been created, the number of magistrates has tripled, and training seminars and conferences have been held. Simultaneously, however, prison populations have doubled or tripled, and the courts are hampered by a lack of trained legal personnel and by heavy case loads. It is estimated that as many as half of those currently incarcerated have not been tried and sentenced. In the case of the 47 Adventists arrested for refusing to perform community work on Saturday mornings, none ever appeared before a magistrate.

At the end of 1986, there were at least five political prisoners and a number of political detainees in Burundi. In late 1985, two priests and three lay people were tried for insulting the Chief of State in a tract criticizing the Government's attitude toward religion; they were found guilty and are serving sentences of up to 5 years in prison. Amnesty International's claim of up to 50 political prisoners in Burundi includes the 47 Adventists, who have since been released. However, since October 1986, a priest who criticized the Government and two Adventists who refused to perform Saturday work have been imprisoned without trial. Another priest who criticized the Government was arrested in late December. There are also former ministers, from President Micombero's regime, in prison for criticizing the Government's religious policy.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The inviolability of private correspondence and of the home are guaranteed in the Constitution and respected in practice. A judicial warrant is required for a law enforcement official to enter and search a private residence.

Membership in the major political party and its affiliated organizations is open to all but is not required. The State

Security Office monitors political dissent through the State Security Police and by employing paid informers who report on discontent and dissension as well as on criminal activity.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech is limited. Defamation of the Chief of State is a crime, and criticism of the party and government policies or leadership is only permitted within government institutions, such as the National Assembly and the UPRONA. Academic freedom is also limited. At the primary and secondary school level, teachers are expected to support government policies. At the university, professors come from several different countries and are permitted to lecture freely in their subject areas, conduct research, and draw independent conclusions. Censorship occurs only in the case of sexually explicit foreign film material or publications.

The Government controls all domestic print and broadcast media. The French language daily and Kirundi language weekly are published by the Ministry of Information, which also operates the domestic radio and television stations. The media are required to support the fundamental policies of the party and the Government. Some criticism of the Government is permitted in the printed press, but journalists are state employees and are subject to disciplinary action if their criticism goes beyond what is considered tolerable. The Government rarely interferes with the distribution of foreign news publications and never interferes with radio reception from foreign sources.

b. Freedom of Peaceful Assembly and Association

The express authorization of the Government is required for all political meetings. This effectively guarantees government control of all public forums and limits association for political purposes to participation in the party or its affiliated youth, labor, or women's movements.

The party controls the trade union confederation, the National Labor Union or UTB, and has enforced this single trade union structure by means of legislation. The principal role of the UTB, to which virtually the entire salaried work force belongs, is to serve as an intermediary between workers and employers in labor matters. The UTB arbitrates individual and collective labor disputes and often forces employers to revise their practices. However, unauthorized advocacy of a strike or lockout is a criminal offense. Therefore, though they are technically permissible, there have been no strikes in recent years. The UTB participates in the International Labor Organization and is a member of the Organization of African Trade Union Unity. In 1986 the UTB held an extraordinary meeting to adopt its statutes, and the proceedings were relatively democratic.

The Government permits nonpolitical private associations, but requires that they be registered and accorded legal recognition before they may function.

c. Freedom of Religion

Religious freedom exists within strictly defined limits, as the Government considers religious organizations subject to

the same sorts of rules and restrictions which apply to secular organizations. All religious associations must receive approval from the Government to operate in Burundi and are expected not to engage in political activity critical of the regime in power. The authorities must be informed in advance of religious gatherings, which are limited to recognized places of worship, and religious services are authorized only after 5 p.m. Mondays through Fridays, after midday on Saturday, and all day on Sundays. The Jehovah's Witnesses sect is banned by the Government because its doctrine allegedly challenges certain precepts of civil authority. Consequently, members of the sect cannot openly carry out activities within the faith nor can they proselytize. There are no reports of persons being imprisoned for merely adhering to the sect's beliefs. The Seventh-Day Adventists' refusal to perform work of any kind on Saturday, their Sabbath, led to the closing of their churches and schools as well as the loss of their legal status in 1985. Between December 1985 and May 1986, 47 Adventists were arrested for their failure to respect the Government requirement that Burundi citizens perform community service on Saturday mornings, and a number of women and children were detained for 3 days for participating in an unauthorized religious gathering. The 47 were released in June, but in October, 2 others were arrested for the same reason. Between 8 and 10 other Christians were also arrested during 1986. They were generally held for refusing to respect government restrictions and were released after a few days or weeks; these included religious leaders and laymen. Two Catholic priests, arrested for criticizing the Government, remain in jail.

Over 140 missionaries were expelled in 1985. After an initial cutback, the expulsions resumed in 1986, resulting in the departure of around 70 more missionaries. Believing that they could no longer provide adequate services, an equal number left voluntarily, so that by year's end fewer than 200 foreign missionaries remained in the country. Church schools and most seminaries were placed under state control in 1986, and clerics were generally relieved from teaching positions. In addition, church-run rural literacy classes were suspended, depriving approximately 300,000 Burundi children and adults of one of the few means of bettering themselves. Informed observers believe that the Government is actively reducing the influence of the Catholic Church in Burundi because of its desire to establish clearly its civil authority as preeminent over other sources of influence. Church access to the media is curtailed by the longstanding suspension of a Catholic newspaper and of religious broadcasts.

There are no barriers to the maintenance of links with coreligionists in other countries. Religious beliefs do not exclude people from participation in the party or from receiving social benefits.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Movement is generally free within Burundi, although government policies discourage urban migration. Foreign travel and emigration are relatively free. However, prospective Burundi travelers must have exit visas as well as passports. Occasionally, the Government withholds these documents without explanation but apparently for political motives. Foreigners

wishing to leave Burundi have also occasionally been denied exit visas until they prove they have no outstanding debts. Long-time foreign residents of all nationalities wishing to stay in Burundi, including some missionaries, are experiencing increasing difficulty in renewing their residence permits.

The Government cooperates closely with the office of the United Nations High Commissioner for Refugees (UNHCR). Burundi claims to shelter 262,000 refugees, but most are long-time residents who are now well assimilated and therefore might be described more accurately as displaced persons. The UNHCR estimates that there are approximately 70,000 refugees, primarily Tutsis of Rwandan origin who fled to Burundi in the 1960's. Many are well integrated in Burundi, although they may acquire citizenship only through marriage to a Burundi citizen. Refugees who fled from Burundi in the early 1970's and before continue to return and have full rights as citizens. The Government periodically repatriates Rwandan nationals who lack residence permits or who have been arrested on suspicion of criminal activities.

Amnesty International has expressed concern about the situations of refugees and asylum seekers from Zaire. About 1,800 Zairians, allegedly without proper papers, were expelled to either Tanzania or Zaire in September 1986.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Burundi citizens do not have the right to change their government. Political participation can take place only within the one-party structure, and voters can express dissatisfaction only by voting against incumbents. The President of the party is the sole candidate for President of the Republic. Power rests with the President and with the party's central committee. The party is open to all Burundi supporting its principles and claims a membership of approximately 1.4 million, about three-quarters of the adult population. The party regularly holds local and regional meetings, where party members discuss issues and make recommendations. While there are multiple candidates for party positions, balloting is not secret.

Although the military retains influential presence in all the party organs and in the Government, its role in actual administration has declined markedly since 1979. Apart from the President, who holds the defense portfolio, only three military officers are currently cabinet members, and military officers hold 15 of the 69 central committee seats. The Constitution provides for a National Assembly, which was seated in 1982 with a 5-year mandate. The Assembly is comprised of 65 representatives, of whom 52 are elected by secret ballot under universal adult suffrage, and the remainder are appointed. All candidates were drawn from a list preselected by provincial electoral colleges composed of party and government officials. Two candidates were permitted for each elective seat. The balloting was evidently free, as several high party and government officials failed to win seats. The Assembly is not intended to be a separate and independent power but is expected to cooperate with and complement the executive and other institutions. Over the last 4 years, the National Assembly has actively debated government policy, occasionally expressing pointed criticism.

BURUNDI

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Burundi is a party to several United Nations instruments on human rights, and its Constitution provides for the protection of such rights. There were no reports during 1986 of requests for outside investigations of alleged human rights violations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The minority Tutsi have for centuries dominated the majority Hutu. Civil strife in 1972, which culminated in government sanctioned massacres, resulted in the deaths of around 150,000 Hutu and caused another 200,000 to flee to neighboring Rwanda and Tanzania. Since the advent of the Bagaza Government in 1976, the level of ethnic tension has markedly declined. Thousands of Hutu refugees have returned to Burundi. While the Government is far from representative of the Burundi population as a whole (85 percent Hutu, 14 percent Tutsi, and 1 percent other), Bagaza has appointed Hutus to all levels of government, including 5 to his 19-member Cabinet, and there are about 18 Hutu representatives in the 65-member National Assembly.

Intermarriage has also contributed to a blurring of ethnic distinctions. The low level of economic development in rural areas affects both Tutsi and Hutu, making the difference in economic status between the two groups scarcely discernible in the countryside. However, because of their longstanding dominance of the Government and access to education, the Tutsi predominate in the modern economic sector. The military remains under Tutsi control. Maintenance of Tutsi domination is a chief objective of the regime. Nevertheless, there is no evidence that Hutus are denied equal protection under the law.

Women in society hold a secondary position, although their status is undergoing considerable change from traditional patterns. The Constitution provides for legal equality. The legal code prohibits polygamy and the requirement of a dowry and allows women some control over family matters. Women still cannot inherit land and cannot take a salaried job if forbidden to work by their husbands. Although fewer women than men attain a formal education, once a degree is attained women can generally find suitable employment. The Government does not discriminate against women in hiring. Women are represented at all levels in the political life of the country. However, their main vehicle of political expression is the Burundi Women's Union which is affiliated with the party. The party remains dominated by males.

CONDITIONS OF LABOR

Worker rights are guaranteed by the Burundi Labor Code and by the National Collective Interprofessional Labor Convention. Working hours vary between 40 and 45 hours per week; Saturday afternoons, Sundays, and holidays are times of rest. Children under the age of 12 may not be employed in any capacity, nor may children under the age of 16 be engaged in dangerous or strenuous work, but as a practical matter, many children are obliged by custom and circumstance to help their families in subsistence agriculture. Minimum health and safety standards are monitored and enforced in the modern economic sector by the Ministry of Labor. Burundi has a minimum wage of approximately $1.12 per day.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BURUNDI

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	7.7	6.9	3.6
LOANS.....	0.0	0.0	0.0
GRANTS.....	7.7	6.9	3.6
A.AID	3.7	4.3	3.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	3.7	4.3	3.1
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	3.4	1.9	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	3.4	1.9	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	3.4	1.9	0.0
E.RELIEF.EC.DEV & WFP.	1.6	0.2	0.0
VOL.RELIEF AGENCY.....	1.8	1.7	0.0
C.OTHER ECON. ASSIST...	0.6	0.7	0.5
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.6	0.7	0.5
PEACE CORPS.....	0.6	0.7	0.5
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.1	0.1	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.1	0.1
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.1	0.1	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	7.8	7.0	3.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	7.8	7.0	3.7
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	20.4	63.1	37.3	483.9
IBRD	0.0	0.0	0.0	4.8
IFC	0.0	0.0	0.0	5.6
IDA	5.1	30.4	37.3	247.3
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	13.0	31.7	0.0	108.2
UNDP	2.3	1.0	0.0	48.4
OTHER-UN	0.0	0.0	0.0	9.3
EEC	0.0	0.0	0.0	60.3

CAMEROON

Political power in Cameroon is heavily concentrated in the presidency. The President appoints all government and party officials and makes all major decisions, although key parliamentarians in the National Assembly and others have some behind-the-scenes influence. Cameroon had an active multiparty system at the time of its independence, but under former President Ahidjo, all parties were gradually consolidated into the Cameroon National Union, renamed in 1985 under President Paul Biya the Cameroon People's Democratic Movement (CPDM). President Biya has moved toward greater democratization of the party structure, notably in 1986 by permitting multiple candidates for many party offices.

Internal security responsibilities are shared by the National Police (Surete National), the National Intelligence Service (Centre de Documentation Nationale, CND), the Ministry of Territorial Administration, Military Intelligence, and, to a lesser extent, the Presidential Security Service. The Ministry of Territorial Administration is in charge of prisons, and the National Police has the dominant role in enforcing internal security laws. The CND and the military are still involved in both those functions but to a lesser degree.

Cameroon's economy continues to grow, and its per capita income ($840 in 1985) ranks Cameroon among the middle income developing countries, though it remains plagued by many problems of underdevelopment. Even though revenues from oil are down (due to the fall in world prices), the market-oriented economy remains strong because of its diversified agricultural base and the Government's economic policy management.

During the 22 years of of President Ahidjo's rule, Cameroon's diversity and the armed violence in some parts of the country were used to justify authoritarian control and harsh restrictions on civil liberties. In contrast, under Biya the human rights environment has improved and in 1986 reflected not only some liberalization within the CPDM, but also increasing freedom of expression, especially in the private press. However, this latter progress was countered by occasional incidents of arbitrary censorship and harassment. Several Anglophone print and radio journalists were arrested and detained for 4 months. In August the Government released from detention at least 15 activists from an outlawed political party. By most estimates, 10 to 20 political detainees remain in custody.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killing.

b. Disappearance

There were no reports of disappearance.

c. Torture and Cruel, Inhuman or Degrading Treatment or Punishment

Torture is proscribed by the criminal code, which renders evidence obtained by torture inadmissible. In addition, the

penal code prohibits public servants from using force against any person. However, very poor prison conditions, including overcrowding, inadequate food and sanitation, and limited medical facilities remain problems. Prisoners have reportedly suffered from severe malnutrition unless provided food by friends or families. In 1986 the Government recognized these problems and focused attention on the need for prison reform. The Secretary of State for Territorial Administration visited prisons in most of the provinces and his suggestions for reform received wide press coverage.

There were reports that two members of the outlawed political party, Union des Populations du Cameroun (UPC), arrested in December 1985, were tortured during their detention. Persons under "administrative detention" (i.e. political detainees) are kept in special camps or prisons. Access to the administrative detention centers by families and friends is reported to be severely restricted.

d. Arbitrary Arrest, Detention, or Exile

Under Cameroonian law, a person arrested on suspicion of committing an offense may not be held for more than 48 hours without a court order. This provision is generally observed in nonpolitical cases. However, after an investigating magistrate has determined that the case should be brought to trial and has issued a warrant to that effect, there is no limitation on how long the detainee may be held in "preventive detention" pending trial. Accused persons awaiting trial constitute the majority of persons in the prisons at Yaounde and Douala. Release on bail is infrequent.

Persons may be held in administrative detention under legislation pertaining to subversion. Such detention by regional authorities is initially for 1 month, renewable twice, and may be extended up to an additional 6 months by the Minister of Territorial Administration. Generally, those arrested and placed in administrative detention do not disappear--their families are told where they are and they are eventually released, although the detention may be lengthy. Political detainees, 10 to 20 of whom are currently estimated to be in custody, are usually held under this type of detention. Under the state of emergency which exists in portions of three provinces, authorities may also order detention for up to 1 week for persons judged "dangerous to public security." The Minister of Territorial Administration may also order detention of such persons for up to 2 months; the order is renewable without limitation. The state of emergency provisions were used rarely, if at all, in 1986.

Fon Gorji Dinka, a radical Anglophone spokesman detained in June 1985, was released without trial in January 1986. Fourteen members and activists of the UPC, who were arrested in December 1985, were released in August. Their release was given wide publicity as an example of the increasing liberalization of the political system under President Biya. An unknown number of UPC members remain in self-imposed exile.

Another outlawed dissident party, the Cameroon Democratic Party (CDP), has had members in self-imposed exile since the party lost its bid to be legalized in 1984. President Biya in 1985 issued a call for all Cameroonians to return to Cameroon without fear.

Local police sometimes harass citizens and threaten to detain them unless bribes are paid. These actions are not condoned by high government officials and have been sharply criticized by the President. In mid-1986 the national campaign to eradicate corruption specifically cited the police as needing reform. In August the Secretary of State for Internal Security stressed to new graduates of the police academy that discipline and moral vigor were necessary for an effective police force.

There are no reports of forced labor being practiced in Cameroon.

e. Denial of Fair Public Trial

Trial by a presiding magistrate is guaranteed by law, and this practice is followed with the exception of persons held under administrative detention. Public trials are also guaranteed by law, although exceptions are allowed for the public good or national security reasons. Trials which involve prominent persons or which are controversial are sometimes held in private. Magistrates in Cameroon are drawn from a corps of career civil servants and are required to have law degrees. Their decisions are generally not subject to government interference, and they are usually considered to conduct fair trials. Defendants in felony cases are provided attorneys if they cannot afford to engage their own.

Crimes involving subversion or illegal use of weapons, as well as crimes involving the military, are tried by military tribunal. Each tribunal has three members, and its presiding officer must be a magistrate. In some cases, the magistrate is a civilian, but often it is a military officer. As in civil cases, defendants are entitled to either public or private counsel.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Both invasions of the home and tampering with correspondence are violations of Cameroonian law. There are reports that police do enter homes without warrants during periodic searches for criminals in low income neighborhoods. Surveillance of suspected political dissidents, including monitoring of mail and of telephone conversations, is also common.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution of 1972 guarantees the freedom of expression and press, but under Cameroonian law and practice these freedoms are restricted. No written ground rules exist, and the private press must submit each issue to see what is deemed acceptable and what is not. There is no evidence that anyone is punished for privately criticizing the Government, and freedom of political discussion exists to a degree that was unknown during the Ahidjo era. During 1986 controls on the private press continued to loosen, but they remain extensive and subject to government interpretation. The private press has flourished with close to 20 newspapers publishing on a regular schedule. Several new papers have increased the depth of their reporting and criticism of Government programs but still have difficulties with censorship. One issue of Le Messager, one of the most respected of the private newspapers, was not distributed after the censor asked for the removal of

8 pages of the 16-page issue. In February 1986, two Cameroon Times journalists were arrested at the Cameroon/Nigeria border on charges of carrying subversive materials and currency violations. An anniversary edition of the Times, which they were taking to Nigeria to be printed, reportedly contained an article commenting on Anglophone protests. The two were released without charge or trial in March.

There has also been increased editorial comment in the government-controlled press and radio, although the Government affords official journalists much less latitude than it does their private counterparts. Most official journalists are civil servants and can be transferred to less desirable jobs if they do not censor their own reporting. After making derogatory remarks about some parliamentarians on the air, three Anglophone radio journalists were detained without charge in June and released 4 months later without trial. One of the journalists was subsequently charged with "contempt of civil authorities," a criminal offense.

Cameroonian television has been on the air since December 1985, and though the television journalists seem to have more leeway to tackle sensitive social issues, they, like their print and radio counterparts, practice self-censorship on controversial political issues.

Occasionally, issues of international publications are seized because they contain articles about Cameroon which the Government considers inflammatory or defamatory.

b. Freedom of Peaceful Assembly and Association

The freedoms of assembly and association, while guaranteed in the Constitution, are restricted in practice and in law. The Cameroonian penal code prohibits public meetings, demonstrations, or processions without prior government approval, and organizations must register with the Government.

The sole labor union, the Organization of Cameroonian Workers Union (OCWU), operates within the framework of the official party, and top union leadership is chosen by the Government. However, in October 1986, the OCWU voted to adhere to the principles of democratization espoused by the party, and local and divisional union leaders will now be chosen by open election. The union does not play a major role in Cameroonian politics, although it has a membership of approximately 450,000 workers in a working population of more than 3 million. It pursues individual worker grievances and seeks improvements in government programs for worker safety and training.

The union participates in government-regulated labor negotiations, but strikes are illegal. Political activity by the trade union, excepting action designed to protect economic and other interests, is prohibited. Contact with foreign trade union organizations requires government authorization. Cameroon is a member of the International Labor Organization (ILO), and rank and file union members comprise the labor component of the Cameroonian delegation to its meetings. The union is also a member of the Organization of African Trade Union Unity.

c. Freedom of Religion

Freedom of religion is guaranteed in the Constitution and is generally respected. Roughly 20 percent of Cameroonians are

Muslim, 30 percent Christian, and the rest animist. Officials of the Government and party are drawn from members of all denominations. Missionaries played a major role in the development of Cameroon and continue to be active. However, the Jehovah's Witnesses, who do not acknowledge the supremacy of the state, were banned in 1970 and have periodically been targets of harassment since then. Observance of traditional religions is not discouraged by the Government, although acts of witchcraft, magic, or divination "liable to disrupt public order or tranquility, or to harm persons or property" are outlawed with penalties of up to 10 years imprisonment.

Independent Muslim and Christian publications exist in Cameroon, and there is no evidence that they are censored more heavily than the secular press. The exception, again, is the Jehovah's Witnesses, who are not allowed to publish or distribute their religious materials.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement within the country is not restricted by law. In practice, however, police frequently stop travelers to check identification documents. During 1986 this practice lessened and a number of "controls" on heavily traveled roads were discontinued. Exit visas are required to leave the country and sometimes are obtainable only after long bureaucratic delays. In some cases, these delays may represent attempts by the Government to discourage or even prevent departure. The Government has also been known to refuse issuance of a passport, or to confiscate an already issued passport, in order to prevent someone from traveling abroad. Cameroonians who leave the country must deposit sums sufficient to buy a return air ticket for repatriation should they become stranded abroad. There are no restrictions on voluntary repatriation. Women must obtain the permission of their husbands or fathers to leave the country.

Over the years, Cameroon has served as a safehaven for thousands of externally displaced persons and refugees. The Government currently acknowledges the presence of approximately 45,000 Chadians in Cameroon, some 9,000 of whom are registered as political refugees through the United Nations High Commissioner for Refugees (UNHCR) and are living at the UNHCR camp at Poli. The rest of the Chadians have integrated into the Cameroonian economy and do not receive government or international assistance. Cameroon is also host to refugees from South Africa, Zaire, Angola, and other African nations, and there are roughly 100 Namibians in Cameroon as students.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Cameroon continues to be a one-party state with political power and administrative responsibility concentrated in the presidency. Following the resignation of former President Ahidjo on November 4, 1982, his constitutional successor, Prime Minister Paul Biya, took office as President. In September 1983, Biya was elected President of the party, following Ahidjo's resignation. President Biya subsequently withstood a coup attempt from forces allegedly close to Ahidjo. While the Constitution implies the legality of other political parties, in fact, only one party, the CPDM, is permitted. On June 26, 1986, the Cameroon Supreme Court ruled against the latest attempt by Dr. Joseph Sende to gain legal recognition for the

UPC. This was the second time under the Biya Government that the Supreme Court heard but rejected Sende's case. Once again, the refusal was on technical grounds. Although the election law theoretically permits multiple candidates for the presidency, President Biya ran unopposed in the January 1984 elections and received 99.98 percent of the votes. The President appoints all governors, prefects, and cabinet ministers.

Cameroon's political system is a product of the country's ethnic and linguistic diversity, which includes some 230 languages and three separate European heritages (French, British and German). Both French and English are official languages, although some Anglophones allege political discrimination by the majority Francophones. A careful balancing act, within the one party, is required to maintain political cohesion. Membership in the CPDM is open to all religious and ethnic groups. While the Party remains essentially a centrally controlled organization, open elections with multiple candidates for local and more senior offices were held for the first time in 1986. The CPDM Congress in March 1985 formally adopted a program of democratization within the party, and this first experiment with elections met with widespread popular approval. The National Assembly will hold elections in 1988, and President Biya has promised that they too will be open for the first time.

Externally based dissident groups, including the Union des Populations du Cameroun (Francophone) and the Cameroon Democratic Party (Anglophone), periodically send letters or pamphlets into the country. The Government attempts to seize these documents when they arrive.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Cameroon Constitution affirms support for the freedoms guaranteed in the Universal Declaration of Human Rights and the United Nations Charter. Under President Biya, the Government has given increased attention to human rights issues, both internally as a part of President Biya's program of "democratization" and in public statements in forums such as the United Nations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Access to the Government's social programs is open to all Cameroonian citizens on a nondiscriminatory basis. Female students are noticeably underrepresented in rural secondary schools and school attendance rates are one third the national average in the Muslim north, where only 22 percent of the children attend school. Girls are underprivileged, both in access to higher education and in terms of professional opportunities. Girls from the southern part of the country, although disadvantaged at the level of secondary entrance when compared with boys from the same areas, have a considerable educational lead over both girls and boys from the eastern and northern provinces.

Women enjoy equal rights under the Constitution and are politically active in the party and the sole labor union. The women's wing of the party has developed programs aimed at encouraging the economic and social productivity of Cameroonian

women. Women are represented in the modern sector, although not proportionately in the upper levels of administration and in the professions. There are currently five women in President Biya's Cabinet, but no women governors or prefects. As a result of the 1983 legislative elections, the percentage of women in the National Assembly increased from 10 to 14 percent.

CONDITIONS OF LABOR

The Cameroonian national labor code sets the minimum working age at 14, the minimum annual paid vacation at 18 days, and the legal workweek at 40 hours for nonagricultural employees and up to 48 hours per week for agricultural workers. Minimum monthly wages are set by the Government for all types of jobs in both the public and private sectors. Wage rates are based on geographic zones, types of industry, and qualifications of workers and length of service. The lowest pay levels are not sufficient to support a family but, in most cases, such wages are supplemented by a second job or another family member's earnings. Workers with middle-range wages are also likely to need second incomes to support a family, especially in Yaounde and Douala. Because of Cameroon's healthy economy, opportunities do exist for workers to supplement their wage levels with second jobs. Occupational health and safety is mandated by law, based on ILO standards. In theory, these standards are enforced by Ministry of Labor inspectors, but they lack the means for effective enforcement.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: CAMEROON

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	25.3	30.2	28.1
LOANS.....	11.3	6.6	8.5
GRANTS.....	14.0	23.6	19.6
A.AID	22.5	23.8	24.7
LOANS.....	11.3	6.6	8.5
GRANTS.....	11.2	17.2	16.2
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.4	3.8	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.4	3.8	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.4	3.8	0.0
E.RELIEF.EC.DEV & MFP.	0.4	3.8	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	2.4	2.6	3.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.4	2.6	3.4
PEACE CORPS.....	2.4	2.6	3.4
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	5.1	5.1	0.2
LOANS.....	5.0	5.0	0.0
GRANTS.....	0.1	0.1	0.2
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	5.0	5.0	0.0
C.INTL MIL.ED.TRNG....	0.1	0.1	0.2
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	30.4	35.3	28.3
LOANS.....	16.3	11.6	8.5
GRANTS.....	14.1	23.7	19.8
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	51.5	206.3	57.4	1420.8
IBRD	21.5	158.8	30.1	748.4
IFC	0.0	2.2	5.3	23.2
IDA	0.0	0.0	0.0	229.2
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.8	13.0	0.0	47.7
UNDP	4.2	1.6	0.0	53.1
OTHER-UN	0.0	2.7	0.0	10.1
EEC	25.0	28.0	22.0	309.1

CAPE VERDE

Led by President Aristides Pereira, Cape Verde is ruled by the African Party for the Independence of Cape Verde (PAICV), the country's sole political party. Most government Ministers are senior members of the party and participated in the revolutionary movement to free Cape Verde from Portuguese rule. Active party members currently number 6,000, or 4 percent of the voting population. The Constitution adopted in 1980 declares the supremacy of the party. Members of the Popular National Assembly are elected from a slate of candidates which is proposed to the electorate by the party.

Security responsibilities, which had been divided among the military, the security, and the police forces, were given to a single government department in February 1986. The reorganized Ministry of Defense and Security operates under legal guidelines and leadership approved by the party.

The Cape Verde archipelago (10 islands) is located some 380 miles off the African mainland. The country's economic development has been steady despite an 18-year drought which has severely affected employment possibilities for the largely rural population. This progress can be largely attributed to generous foreign donor assistance, remittances from Cape Verdean emigrants, and efficient management by the Government. The Government is the largest nonagricultural employer. It also controls banking, the import of basic commodities, airlines, the press, and schools. Private property rights are respected. There is a substantial and growing private sector which includes various types of shops, hotels, farms, fishing, small industries such as tuna canning, and the professions.

Human rights were generally respected in Cape Verde during 1986. There were no reports of political killings, disappearance, torture, or arbitrary arrest. Within the one-party system elections at the end of 1985 provided an opportunity for some expanded participation in the political process by all persons over 18 years of age. There is little sign of hostile opposition to the Government, and the longstanding Cape Verdean tradition of emigration provides an escape valve for discontent.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reported instances of politically motivated deaths.

b. Disappearance

There were no reported instances of officially inspired disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reports alleging torture or cruel, inhuman or degrading treatment and unusual punishment of prisoners and detainees. However, conditions in prisons are poor and detention facilities are antiquated

CAPE VERDE

d. Arbitrary Arrest, Detention, or Exile

Cape Verdean law requires that those arrested, unless caught in the act, be charged before a judge within 48 hours, and this law appears to be observed in practice. In exceptional cases, and then only with the concurrence of a procurator or judge, the formal charge process may be delayed up to 5 days. Cape Verdean law requires counsel to be present for the accused, who then may be held in custody, released on bail, or released unconditionally. In cases of alleged crimes against state security, persons may be detained upon a judge's ruling for up to 5 months without trial. There is a functioning system of bail, and the right of access to a lawyer seems to be observed in practice.

There were no instances of forced exile for political or other reasons. Forced labor is not practiced.

e. Denial of Fair Public Trial

There were no known political prisoners held in Cape Verde during 1986.

In the regular court system, trials are conducted without jury by one judge; a public prosecutor presents the case against an accused, who is defended by counsel. Appeal is possible to Sub-Regional and Regional Tribunals and, ultimately, to the Supreme Tribunal. Trials appear to be handled expeditiously. The Autonomous Institute for Judiciary Support, to which all private lawyers belong, exists to provide counsel in cases of need.

There is also a system of popular tribunals to ajudicate minor disputes on a neighborhood or local level in rural areas. The"judges" are usually prominent local citizens without legal training, who are appointees of the Ministry of Justice. Their decisions can be appealed within the regular court system.

The judiciary does not have the authority to determine the constitutionality of legislation. Although, according to the Constitution, judges are independent, one former judge now living outside the country has claimed that one-party rule in practice has hampered the functioning of a truly independent judiciary. Most evidence suggests, however, that the courts protect individual rights in criminal cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution recognizes citizens' rights to the inviolability of domicile, correspondence, and other private means of communication. The law requires warrants issued by a judge before searches of homes may be conducted. There were no known cases of arbitrary interference with privacy, family, home, or correspondence. The Constitution also contains a provision stating that every citizen has the right and the duty to participate in the political, economic, and cultural life of the country. This provision theoretically could be used to force participation in activities against the individual's will. In practice, there is no evidence to suggest that this provision has been so used.

CAPE VERDE

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution proclaims freedom of speech and intellectual creativity, including the rights of authorship, but it also stipulates that none of these rights and freedoms may be exercised "contrary to national unity." Thus, a law adopted in 1985 assures citizens the right to express their thoughts in the press, but at the same time the party underlined that this right should be exercised responsibly. Given the circumstances, people are generally cautious in exercising their right of free speech.

The weekly newspaper and the radio are government owned, and follow government policies. Occasional articles critical of some aspects of government policy are printed or broadcast, but this is probably done with prior authorization from the Government. Local radio broadcasts carry items from Western agencies as well as from Communist countries. International periodicals generally circulate freely in Cape Verde even when they contain articles critical of or unflattering to the Government, as is sometimes the case with Portuguese newspapers. International radio broadcasts are received clearly, without interference. Censorship of movies is practiced, although it is not known if the criteria are political or moral. The Catholic Church's newspaper, which occasionally carries moderate criticism of some aspects of life in Cape Verde, seems to be tolerated without interference.

b. Freedom of Peaceful Assembly and Association

The freedom to meet, to associate freely, and to demonstrate is guaranteed in the Constitution. As a practical matter, however, no organizations opposed to government actions or policies are permitted. Private associations other than sports clubs or religious youth groups do not exist. The establishment of such associations would be subject to government authorization. Party-sponsored "mass organizations" of women and youth are prominent.

Workers in several sectors are organized into unions which are members of the National Union Confederation (NUC). The Confederation is affiliated with the PAICV and headed by a high-ranking member of the party. Perhaps one-third of the active work force are nominal union members. Although the NUC claims to be independent of the party, the two are closely linked. Individual unions bargain for their members, perform other traditional trade union functions, and also act as party affiliates. The right to strike is guaranteed but is rarely exercised, even though union leadership has taken positions on specific issues opposed to government policies in state enterprises. The NUC participates in the International Labor Organization and is affiliated with the Organization of African Trade Union Unity, but has not taken positions independent of those officially sanctioned by the Government. It maintains contact and receives assistance from both Communist and non-Communist national unions abroad.

c. Freedom of Religion

The Constitution requires separation of church and state. Freedom of worship is respected by the Government, and members

of all faiths practice their religion without harassment. At least two-thirds of the population, probably including most of the government leadership, are nominally Catholic, but the dominance of Catholicism does not appear to affect adversely other faiths. Evangelical Protestants and Seventh Day Adventists are the two other principal religious communities. At least two faiths, the Baha'i and Christian Rationalism, which were formally banned or suppressed under the Portuguese, have been permitted to reestablish themselves since independence. There are no restrictions on religious practices, teaching, or contacts with coreligionists outside Cape Verde. A few foreign missionaries are active in Cape Verde.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no extraordinary legal or administrative restrictions on either travel or residence within the country. All resident Cape Verdeans wishing to leave the country, either temporarily or permanently, must obtain exit permission from the Government. Such permission has not been denied for political reasons. Emigration has long been an important and a recognized escape valve from prevailing harsh economic conditions. The Government goes to considerable effort to maintain close contact with emigre communities and provides every opportunity for Cape Verdeans living abroad to maintain their ties with the homeland, including making provision for them to vote in elections and to own propery in Cape Verde. Repatriation is a constitutional right of the citizen, and the Government does not discourage intending repatriates.

The law allows for revocation of citizenship on several grounds, including activities contrary to the interest of the country. However, there are no known cases of the Government instituting proceedings to deprive persons of citizenship for political reasons.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The PAICV's monopoly of power in Cape Verde is inscribed in the Constitution. Opposition parties are illegal and, in fact, do not exist. The small group of men who actually led the struggle for independence occupy positions of leadership in both the party and the Government. The Secretary General of the party is President of the Republic; the Deputy Secretary General is Prime Minister; and the third-ranking party official is President of the National Assembly. Five others of the party's nine-member Political Commission are also Ministers; the ninth member manages the day-to-day activities of the party.

In 1983 there were 5,860 party members, about 4 percent of the total population, which represented a doubling of party membership since independence in 1975. Within this elitist party, there exists a modest scope for meaningful political activity. The delegates to the Second Party Congress in 1983, and the leadership itself, were elected by secret ballot with some unexpected changes in the order of precedence of the various Ministers. The party leadership has also made an obvious effort to give women and individuals possessing less solid revolutionary credentials more prominent roles.

However, women, who constitute 14 percent of the total party membership, are underrepresented. The party membership is also young (47 percent under 30 years of age), disproportionately urban (50 percent in a nation which is more than two-thirds rural), and heavily representative of the bureaucracy (25 percent of party members are civil servants or employees of state enterprises).

Formally, the National Assembly is the supreme organ of the Government. The Assembly sessions serve to ratify earlier party/government decisions, but issues are debated openly, with critical interventions reported in the media. Deputies who believe that the interests of their constituencies are being harmed by government policies or decisions feel free to criticize them, and in fact do so. In the Assembly elections of December 1985, the party approved all candidates, but the list of candidates for each constituency contained from 1-1/2 to 4 times as many nominees as the number of deputies to be elected from that constituency. There were three stages of local consultations, and the final candidates were selected by secret ballot. Several prominent nonparty candidates were elected to the Assembly as a result.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In the past, the Government has permitted visits by private organizations to check on conditions of persons convicted for political or related offenses. There are no known instances in which the Government has been the subject of resolutions, investigations, or other human rights actions by international human rights organizations. A few Cape Verdean emigrants living abroad have alleged human rights violations. These charges may have affected internal policies, given the Government's major effort to maintain close relations with the large communities of Cape Verdean emigrants around the world. There are no known official or nongovernmental human rights organizations in the country, although the Lawyers' Association for the Provision of Judicial Support performs some of the functions of such an organization.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Racial discrimination is not a problem in Cape Verde, where the vast majority of the total population of 300,000 shares various proportions of Portuguese-African ancestry. Sex discrimination exists, although it is banned by the Constitution. Many of the traditional, male-oriented values of the Portuguese and African ancestors of today's Cape Verdeans are still part of the country's culture. Women have been customarily excluded from certain types of work and are often paid less than men for comparable work. However, the Government has included women in the labor-intensive economic development projects financed by foreign grants. Both the Government and the party are making efforts to bring women into various economic and social activities from which they traditionally have been excluded. The Organization of Cape Verdean Women was founded in 1980, with party encouragement, to sensitize the Government and Cape Verdeans in general to issues affecting women.

CAPE VERDE

CONDITIONS OF LABOR

The Code of the Family, enacted in October, 1981, prescribes the full legal equality of men and women, including equal pay for equal work. Minimum wages are established by government decree. As of January 1, 1986, the minimum age for civil servants (the basis for minimum wages for all other forms of nonrural employment) is approximately $72 per month. In rural areas, the daily minimum for the least skilled types of labor is about 83 cents. The minimum age for employment is 14, and children under 16 are prohibited from working at night, more than 7 hours per day, or in establishments where toxic products are used. There does not appear to be an overall safety and health code for the workplace, although there are particular regulations such as those prohibiting the employment of children where toxic products are used. The normal work week for adults is 44 hours over 5 1/2 days. A worker is entitled to at least one full day (24 hours) of leisure per week. These regulations seem to be respected in practice.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: CAPE VERDE

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	6.5	4.9	2.9
LOANS.....	0.0	0.0	0.0
GRANTS.....	6.5	4.9	2.9
A.AID	2.0	3.4	2.9
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.0	3.4	2.9
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	4.5	1.5	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	4.5	1.5	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II TOTAL.....	4.5	1.5	0.0
E.RELIEF.EC.DEV & WFP.	4.5	1.5	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.1	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.1	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.1	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	6.5	5.0	2.9
LOANS.....	0.0	0.0	0.0
GRANTS.....	6.5	5.0	2.9
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	1.9	28.8	0.0	69.0
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	0.0	4.0	0.0	11.2
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	1.1	24.3	0.0	47.7
UNDP	0.8	0.5	0.0	9.1
OTHER-UN	0.0	0.0	0.0	1.0
EEC	0.0	0.0	0.0	0.0

CENTRAL AFRICAN REPUBLIC

General Andre Dieudonne Kolingba has headed the Government since his accession to power in a bloodless coup on September 1, 1981. He holds all political power and is the final arbiter on all government matters. He also headed the Military Committee for National Recovery until September 21, 1985, when that Committee was dissolved to make way for the current civilian Government. On May 7, 1986, the President announced his plans for the creation of a single national political party, the Central African Democratic Assembly. On October 31, Kolingba introduced a new Constitution which was subsequently approved in a national referendum on November 21, 1986. He was also elected President in that vote. The new Constitution provides for a parliament which includes a National Assembly and an Economic and Regional Council, representing the principal economic and regional sectors of the country.

The Minister of Interior is in charge of the civilian police force. These police normally man barriers on the major roads and keep records of the movement of vehicles. The Presidency has its own security force. The Ministry of Defense also has a military police force, in addition to the armed forces.

The Central African Republic is a poor, landlocked, sparsely populated country. Most of its inhabitants derive their livelihood from subsistence agriculture. Only about 1 percent of the population is university educated. The essentially free enterprise, agrarian economy, one of the world's least monetized, has suffered from inadequately coordinated and implemented government policies, occasional drought, and a poorly trained work force. Expatriates dominate the small manufacturing and commercial sectors of the economy.

There was continued improvement in the human rights situation in 1986. Kolingba's Government again faced sporadic challenges from dissidents in the north along the Chadian border, but at a greatly reduced level. Following the release in December 1985 of 89 political prisoners, Kolingba granted additional pardons on June 30 and September 1, 1986 (the fifth anniversary of Kolingba's accession to power). Although most of those pardoned were common criminals, the pardons of September 1 included the release of 5 prisoners convicted by the special tribunal (the court which tries political cases) and the reduction in sentence from 10 years to 5 years for 13 others convicted by the special tribunal. The sudden return from exile and arrest of former emperor Jean-Bedel Bokassa in October posed an unexpected challenge to the Government in that a new trial means reliving a difficult period in the country's recent history.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of killing or summary executions for political motives by government forces. While there may have been some civilian casualties during the military action against guerrillas in April 1985, none was reported in 1986.

CENTRAL AFRICAN REPUBLIC

b. Disappearance

There were no reports of disappearance as a result of government action.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The penal code prohibits torture and provides for sanctions against persons guilty of physical abuse. Nevertheless, there are reports of beatings in prisons. Conditions in the prisons are generally harsh, and medical attention is inadequate. However, prominent political detainees have reportedly been well treated and given special privileges, such as extra family visits.

d. Arbitrary Arrest, Detention, or Exile

The Kolingba Government has occasionally engaged in arbitrary arrest and imprisonment. Generally such arrests occur when a suspect has allegedly engaged in acts which present a threat to the regime. It is likely that some political detainees are currently being held, but it is difficult to say precisely how many are being held at any one time. There was no confirmation of Amnesty International's statement, as expressed in its 1986 Report, that more than 100 alleged opponents of the Government may have been detained without trial in 1985.

Security officials generally respect local law which allows family members, legal counsel, doctors, and clergy access to prisoners. It is not uncommon for those held outside the main prison to be allowed to return home during the day or to sleep at night. Under local law, political detainees can be held without charge for as long as 2 months, but at that point detainees must either be formally charged or released. If they are charged, local judicial procedures (which are modeled on French procedures) allow for open-ended preventive detention while the public prosecutor prepares the State's case against the accused. Some political detainees are held much longer than 2 months, however, without formal charges being brought against them. In the case of common criminals, the law requires that they be brought within 96 hours before a magistrate who decides whether formal charges will be filed.

Approximately six well-known political opponents live in exile. Several of them have been sentenced to death in absentia for crimes against the State. However, during the December 1, 1985, National Day celebration President Kolingba indicated a possible willingness to move toward reconciliation with opposition elements. On October 23, 1986, former Emperor Jean-Bedel Bokassa unexpectedly returned to the Central African Republic from his exile in France. Bokassa, who was sentenced to death in absentia in 1980 for crimes including murder, cannibalism, and embezzlement, was immediately detained and is being retried in local criminal court.

The Government has been cited by the International Labor Organization (ILO) for being in violation of ILO Conventions 29 and 105 for allegedly imposing compulsory labor on prisoners jailed for unauthorized political activities.

e. Denial of Fair Public Trial

In most cases involving common criminals, the Government permits French-modeled legal procedures to be fairly and

openly applied and the laws to be properly executed. The new Constitution continues the provisions of the constitutional decree of September 21, 1985 which states that the judiciary "is guaranteed independence (from) the legislative and executive (power)." The President of the Republic is the guarantor of that independence in his role as "President of the Supreme Magistrative Council."

A special tribunal comprising civilian magistrates and military advisers adjudicates political cases. The special tribunal differs from ordinary courts in that there is no appeal process except for the possibility of presidential clemency, and trials must be specifically authorized by the President. Political detainees have a right to legal counsel from the start of formal procedures. President Kolingba has authorized the meeting of the special tribunal on a fairly frequent basis. Trials are open to the public, and the proceedings are often reported in the local media.

The number of political prisoners is unknown. The case of High Commissioner Francois Gueret, secretary general of the banned political party, Movement for Democracy and Independence, has been well publicized and is not atypical. In February 1985, he was arrested and charged with destroying administrative documents and inciting public disorder. When the state prosecutor found insufficient evidence to support those charges, Gueret was charged with refusing to wear the military uniform required of High Commissioners. A judicial inquiry recommended his release at the end of April. Nevertheless, he continued to be detained and was finally charged with trying to overthrow the Government. A public trial, under a special tribunal, was held, and he was convicted and sentenced to 10 years in prison. His sentence was reduced to 5 years by presidential clemency on September 1, 1986. On December 1, 1986, Gueret was released as a result of Presidential clemency. Another prominent political prisoner, Major Gregoire Miango, first arrested in October 1983, was released on April 14, 1986. However, he is not allowed to travel outside his home town where he currently resides with his family.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Except for political and security matters, the Government does not generally interfere in the private life of citizens. There is no forced membership in any political organization, and there is no interference with the right to marry or have children as one chooses. Parents are free to teach their children religious beliefs and practices, with the exception of the Jehovah's Witnesses (Section 2.c.). The criminal code prohibits the invasion of the home without a warrant, and this prohibition is not generally abused in civil and minor criminal cases. However, if a political crime is involved, ordinance 81/035, which instituted the special tribunal, authorizes searches at any time and at any place. These searches have been conducted without specific warrants.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The right to speak publicly about political developments or to criticize the Government is circumscribed although most people feel free to comment privately on political affairs. The

CENTRAL AFRICAN REPUBLIC

Government prohibits the distribution of tracts and literature deemed to be subversive. Since July 1, 1986 there has been only one regularly published newspaper, which, along with others that appear sporadically, is carefully monitored by the Government. Radio and television are also controlled by the Government.

b. Freedom of Peaceful Assembly and Association

Only assemblies of a nonpolitical nature can take place without government approval. Unlawful assemblies are disbanded by government forces, and in some instances some of those participating in the assemblies have been arrested.

In 1981, Kolingba suspended the General Union of Central African Workers, and no effective labor movement has existed in the country since that time. The Government tacitly approves of an apolitical labor federation that exists mostly on paper and has no collective bargaining authority. The ILO has a case pending before it involving the Central African Republic's alleged violations of the right to freedom of association under ILO Convention 87. The Government has yet to provide the substantive information requested by the ILO Committee reviewing the case. The right to strike exists in principle, although fear of government reprisals has dampened the enthusiasm of potential strikers.

In response to a month-long student strike in March-April 1986, the Government has banned boycotts of classes and all demonstrations by school children and university students, except for those authorized by the Ministry of the Interior. Those violating this prohibition face up to a 3-year prison term.

c. Freedom of Religion

The Government does not generally interfere with religious activities. Religious organizations and missionary groups are provided religious freedom by Central African custom. No single religion predominates, nor does the Government appear to discriminate in favor of or against specific religions.

In 1986 there was a major exception to the Government's policy of noninterference in religious activities. The Minister of the Interior formally prohibited the activities of the Jehovah's Witnesses on February 1, 1986. This decree was aimed primarily against the foreign missionary Jehovah's Witnesses who had refused to participate in government-sponsored activities or to encourage allegiance to the Government. As a result of this government action, all foreign missionary Jehovah's Witnesses have left the country, and native-born adherents to the sect are prohibited from openly practicing their faith.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

People are generally free to move about within the country, although there are road checkpoints. The right of voluntary travel and repatriation is recognized. Financial and educational constraints rather than government controls act to restrict most foreign travel and emigration. No case of revocation of citizenship was reported in 1986.

CENTRAL AFRICAN REPUBLIC

The country remains relatively hospitable to foreigners; the largest foreign population living either temporarily or permanently in the country is from Chad, with the vast majority relying on U.N. relief for support. At the beginning of 1986 there were some 20,000 Chadian refugees living in four refugee camps sponsored by the United Nations High Commissioner for Refugees and another approximately 20,000 living in Bangui and along the northern border area. Due to the increase in political stability in Chad during 1986, many of these refugees have been voluntarily repatriated. As of late 1986, the total Chadian refugee population in Central African Republic was approximately 14,500.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

On September 21, 1985, President Kolingba dissolved the National Committee for Recovery and appointed a civilian Cabinet, an event which continued the process begun in 1984 of moving from a military government towards institutionalization of a civilian government, presently composed of 18 Ministers, 4 Secretaries of State, and 3 High Commissioners. In the referendum on the new Constitution, Central Africans endorsed Kolingba as President, in his capacity of head of a newly created single political party, the Central African Democratic Assembly. Currently, President Kolingba retains all political power, presiding over the executive branch and establishing legislation through the Council of Ministers and by presidential decree. Although in practice he allows his Cabinet considerable leeway in the day-to-day activities of government administration, he makes all important policy decisions. Since September 1, 1981, all forms of public and private assembly for political purposes have been proscribed, and Kolingba has stated that he has "no intention of returning his country to the turbulent multiparty experience of the pre-1981 regime."

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not welcome and is sensitive to international or nongovernmental investigation of alleged human rights abuses but does not prohibit such investigations. Representatives of Amnesty International and the International Committee of the Red Cross visit Bangui periodically.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There are more than 80 ethnic groups in the Central African Republic, each with its own language. About 70 percent are Baya-Mandjia and Banda. Preference for high government positions has generally been given to members of President Kolingba's Yakoma ethnic group (approximately 10 percent of the population). However, the preeminence of this group has declined in the past year.

The Constitution mandates that all persons are equal before the law without regard to race, ethnic origin, region, sex, or religion. However, women have traditionally been accorded a lower status than men. For example, there is less emphasis on the importance of education for women, and this is reflected in the fact that only 19 percent of the adult female population

is literate as opposed to 49 percent of the male population. The requirements of their work at home and in the fields prevent many women from receiving any formal education. Although polygamy is common, the legal system and traditional practice support the rights of the wives and all children of such marriages. A national women's organization exists and is supported by the Government. There are no women ministers, secretaries of state, or high commissioners in the Kolingba Government.

CONDITIONS OF LABOR

Employment of children under 14 years of age is forbidden by law. While it is only loosely enforced, jobs are in such demand that children in the labor force are generally limited to working as helpers in family business, such as selling food products or cigarettes. Minimum wages have been established by the Government, and a social security system exists. However, much labor is performed outside the wage and social security system and probably does not meet the established minimum levels. The law sets maximum working hours for government employees and most people in the private sector at 40 hours per week. Domestic employees may work up to 55 hours. There are also general laws of health and safety standards in the work place but they are neither precisely defined nor actively enforced.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: CENTRAL AFRICAN REPUBLIC

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	3.6	4.8	4.3
LOANS.....	0.0	0.0	0.0
GRANTS.....	3.6	4.8	4.3
A.AID	1.2	2.4	2.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.2	2.4	2.2
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.4	0.4	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.4	0.4	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.4	0.4	0.0
E.RELIEF.EC.DEV & WFP.	0.4	0.4	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	2.0	2.0	2.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.0	2.0	2.1
PEACE CORPS.....	2.0	2.0	2.1
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.1	0.1	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.1	0.1
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.1	0.1	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	3.7	4.9	4.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	3.7	4.9	4.4
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	12.0	18.3	11.9	287.4
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	0.0	8.0	11.9	99.1
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	5.4	7.5	0.0	70.1
UNDP	4.3	2.7	0.0	35.8
OTHER-UN	2.3	0.0	0.0	8.0
EEC	0.0	0.0	0.0	74.4

CHAD

The Chadian Government is led by President Hissein Habre who took power in 1982 in the course of a protracted civil war. Relying upon the armed forces as his power base, Mr. Habre heads the Council of Ministers which, along with an appointed National Consultative Council, comprise the executive and legislative branches of the Government. The multiethnic National Union for Independence and Revolution (UNIR) was created in 1984 to broaden Habre's political base, and in 1986 it remained the only officially recognized political movement.

In 1986 President Habre vigorously pursued with increasing success a policy of national reconciliation, which by the end of the year had rallied all but a small remnant of the former armed opposition to his leadership, including in late October most of the followers of ex-President Goukouni Oueddei's so-called Transitional Government of National Union (GUNT). Earlier in 1986, calm returned to the south when the rebel commandos ("CODO's") rallied to the Government. Despite these important achievements, Libya continued to occupy 40 percent of Chad with an estimated 7,000 troops and in December was engaged in heavy fighting with its ex-allies, the GUNT forces in northern Chad. Thus, at the end of 1986, the Chadian conflict had turned from a civil war, in which Libya was backing one side, into an international confrontation between two states, Chad and Libya. In this transformation, Habre's Chadian National Armed Forces (FANT), supported by increased French military and economic assistance, played a major role. The arrival of the French military "Operation Epervier" in mid-February 1986, for example, helped the FANT deter the then combined Libyan/GUNT offensive south of the 16th parallel. A major effort is currently under way to reintegrate the former CODO's into the FANT or into civilian occupations.

Against this background, Chad remains desperately poor, and its estimated population of 5 million has perhaps the lowest annual per capita income in the world ($80). Cotton production is the major source of government revenues and provides employment for 40 percent of the wage work force. However, world cotton prices plunged by 60 percent in 1986, and production costs rose to the point where Chad's state-owned cotton firm lost money with every purchase of the crop, threatening, inter alia, to undermine the Chadian banking system. This difficult situation was expected to continue at least until the early 1990's. The Government relies heavily on foreign donor assistance, especially from France, to make up for lost government revenues.

Throughout its long history of civil war, Chad had been the scene of human rights abuses stemming from rebel activities and reprisals by government forces. In recent years in unoccupied Chad, most human rights violations occurred in southern Chad. The virtual end of civil strife in the south and the end of drought conditions have prompted many of the thousands of Chadians who had previously sought refuge in neighboring countries to return to Chad. Libyan-occupied northern Chad remains closed to outside observers. At the end of 1986, the Chadian Government accused the Libyans of extensive human rights violations in the north, including the charge of genocide against the population, and sought U.N. assistance in countering Libya's intensified military activities.

CHAD

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were many credible reports of political killings in 1985. In marked contrast, there were no new reports of such killings in 1986 in the area under Chadian government control. The switching of numerous CODO's to the government cause, strict and sometimes harsh punishment imposed upon undisciplined soldiers, the establishment of a military code of justice, and a general amnesty for all political exiles, combined to produce an environment in 1986 which decidedly discouraged political killing. Also the threat of further invasion by the Libyan forces below the 16th parallel helped to reduce political dissension and foster a unified war effort in the unoccupied part of the country.

b. Disappearance

There were also no reported disappearances in unoccupied Chad in 1986. However, a number of persons believed to be in detention did not appear among the 119 political detainees released by the Government on January 19, 1986, thereby arousing suspicions that they had either died in custody or were still being held. The Government stated that 119 was the total number of such detainees. Amnesty International expressed concern in its 1986 Report (covering 1985) about the "disappearance" of hundreds of people who were reportedly detained by government forces, many of whom were believed to have been the victims of extrajudicial executions.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

In the long history of civil strife, there have been many reported incidents of torture and degrading treatment by governmental and many oppositional forces. In 1986 there was concern for the humane treatment of prisoners of war. The International Committee of the Red Cross (ICRC) has regular access to several hundred prisoners of war held in Chad from fighting predating 1986 but not to those taken in 1986, including an estimated several hundred GUNT and Libyan prisoners captured in the fighting in February and March 1986. In addition, there may be other prisoners of war taken before 1986 who do not benefit from ICRC visits. The Government has indicated that it will probably deny access to Libyan prisoners as long as the Libyans deny the ICRC access to FANT prisoners held in the north or in Libya.

Prison conditions in Chad are generally poor, largely because of the country's poverty rather than a policy of abusive treatment. There are reports of frequent beatings. Adequate food is largely dependent upon outside visitors, especially family. There are government detention centers where, because they are not accessible to outside observers, decidedly worse conditions may prevail.

d. Arbitrary Arrest, Detention, or Exile

The judicial system and criminal code in unoccupied Chad have evolved primarily from the body of law inherited from the former colonial power, France. In theory, this law incorporates safeguards against arbitrary arrests and

specifies detainee rights, including the right to counsel and the right to be promptly informed of charges. However, in practice, civil strife over more than 21 years has severely disrupted the legal system, especially the operation of the courts. Persons who express views critical of or different from those of the Government are often thought to endanger the security of the State and may be detained without trial. There are very few lawyers in Chad, and there is no functioning system of bail. The new Director of the National Security Police announced in October that detainees would not be held more than 48 hours without charge.

Amnesty International has been concerned about the detention without trial of dozens of alleged opponents of the Government. At the end of 1986, the number of persons remaining in detention without charge, as distinct from prisoners of war, was not known, but as noted above, the Government claimed all political detainees had been released in January.

The Government reports that there have been large-scale deportations of Chadians from the northern portion of the country to Libya for indoctrination, assimilation, forced labor, or military service in the "Islamic Legion," an anti-Chadian government force in the north under Libyan control. Ex-President Goukouni Oueddei is reportedly under arrest in Tripoli.

The International Labor Organization (ILO) has been critical of Chad in the past for the use of forced labor. The Chadian Government continued discussions with the ILO in 1986 on revising outdated labor laws which do not meet ILO norms, including the ILO's convention on forced labor.

e. Denial of Fair Public Trial

The Chadian judiciary has been weakened through years of civil war and extrajudicial actions. The President appoints judges and other judicial officials. Since 1982 the Government has been attempting to rebuild the regular judicial system which includes, 1 appeal court, 14 district courts, 4 labor tribunals, and 1 special court of justice established in 1985 for processing cases involving embezzlement of public funds and abuse of public office. There are only 2 defense attorneys and 36 justices of the peace, which highlights the shortage of trained judicial personnel. Judicial authorities complain of a heavy backlog of approximately 400 cases.

There is also a traditional system of law presided over by sultans and chiefs. This traditional system is generally effective and fair in resolving property and other civil disputes and in dealing with cases involving petty local crime. In theory, decisions in customary courts may be appealed to the regular courts.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under Chadian law, homes may be searched only during the day and under authority of a warrant. In practice, however, there are many instances where this law has not been respected. There have been occasional reports of soldiers, deserters, and bandits seizing private property.

CHAD

Correspondence carried by people traveling overland in Chad is often checked by authorities at various points along the way. Correspondence sent through the Chadian postal system, however, is less likely to be subject to such controls.

In Libyan-occupied northern Chad, there have reportedly been forced resettlements of Chadians and forced marriages between Chadian women and Libyan soldiers/colonizers. Also, reports indicate that sizable quantities of livestock have been taken to Libya from northern Chad without proper compensation to their Chadian owners, and that Libyans use food distribution as a means of keeping the local populations under control.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Temporary detention is a likely penalty for publishing or spreading information considered damaging to the Government's interests. The radio stations and the only daily news bulletin are operated by the Government's information secretariat. A weekly news magazine is published by UNIR. The editors, journalists, and media technicians are employed by the Government and do not write or publish anything which is critical of the Government.

In late December, based on military considerations, the Government imposed censorship on all foreign news dispatches coming from Chad. However, it ended this censorship system at the beginning of January 1987.

Chadian law enforcement officials have been known to "discourage" Chadians from listening to Radio Bardai, the Chadian opposition radio station in the north, which is actually located in Libya. Private groups (religious and otherwise) publish nonpolitical information freely. Major French dailies and weekly news and feature magazines are sold in Chad, and ideologically hostile foreign magazines are sometimes available. The ban on the sale of the Paris-based journal Afrique Asie, imposed in 1985 following the publication of an article critical of the Chadian Government, remains in effect. In 1986 a local Catholic publication, L'Espoir, was suppressed for having published political commentary. In 1986 an Agence France Presse correspondent was expelled for writing "false information aimed at discrediting Chad."

Freedoms of speech and press are tightly controlled in the Libyan-occupied north where the use of French, one of the two official languages of Chad, has been largely proscribed.

b. Freedom of Peaceful Assembly and Association

In unoccupied Chad there is no forced membership in any political organization. However, voluntary membership is limited to the National Union for Independence and Revolution (UNIR) and its subgroups. UNIR is working to strengthen and extend its organization but has encountered resistance from several ex-opposition political organizations which have recently rallied to the Government. These political groups vow to maintain, and have so far maintained, their individual identities, but the Government has severely criticized meetings of members of these political organizations in the government-controlled press. Thus far, no other action has

been taken against these groups. Reports from the Libyan-occupied northern part of Chad indicate that the free assembly of indigenous Chadians there is prohibited, including in labor unions.

Chad's labor laws provide for freedom of association for workers, for confederation of unions, and for the right to bargain collectively. The right to strike exists only after arbitration at three levels in two ministries (Labor and Justice) fails. There are two labor union confederations in Chad, both of which are only marginally effective and are in large part constrained by the Government. These unions are too weak and the economy too undeveloped for organized labor to be a significant political force.

c. Freedom of Religion

Chad professes to be a secular state. Islam, Christianity, and other religions are freely practiced. Both Islamic and Christian holidays are given official status. More than 50 percent of Chad's population is Muslim, and Chad is a member of the Organization of the Islamic Conference. Christian missionaries may, nevertheless, enter the country, proselytize, and provide assistance to local populations. They are particularly active in the south. Religious publications are allowed to circulate freely, provided they do not engage in political commentary. There is no evidence the Government either favors or disfavors members of particular religions. In Libyan-occupied northern Chad, only the Muslim religion can be practiced openly.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Travel in Chad is sharply curtailed by the presence of hostile forces north of the 16th parallel and by bandits and residual rebel groups in certain southern and eastern parts of the country. Travelers within Chad require proper documentation and government travel authorization, which can usually be obtained.

International travel is permitted. Chadians may obtain regular passports for a fee of about $60, provided they have been cleared by Chad's internal security services, a process which normally takes less than 1 week.

Chadians are free to emigrate. In previous years, thousands of Chadians fled to neighboring countries because of drought and civil strife. As conditions improved in 1986, thousands of these displaced Chadians returned from the Central African Republic, Sudan, Cameroon, Niger, and Nigeria. Despite Chad's limited material means, these repatriates, as well as those Chadians who fled the occupied northern zone, have been well received. There have been no known reprisals against members of former opposition groups who have returned to Chad.

The movement of Chadians in the occupied north is reported to be tightly controlled and severely restricted. There were reports that occupying forces fired upon civilians fleeing south to government-controlled areas.

CHAD

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The present political system makes no provision for democratic change of government. Chad has been in a state of civil strife since 1965, with various factions and as many as 11 armies contending at times for control of the country.

Since June 1982, Chad has been governed by President Hissein Habre, who heads a French-style Council of Ministers complemented by an appointed National Consultative Council (legislature). Both Councils are carefully balanced to promote ethnic and regional harmony. The source of President Habre's authority is the allegiance he commands from the armed forces, the security services, and the country's only authorized political movement, the National Union for Independence and Revolution (UNIR). UNIR's bylaws mandate the popular election of lower-level officials, but, as yet, no elections have been scheduled.

At present, laws, decrees, and ordinances are proposed by the President and the Council of Ministers and occasionally "discussed" by the National Consultative Council prior to promulgation. Agreements signed in late 1985 in Gabon by the Government and the rallying opposition parties, known as the "Libreville Accords," provide for the drafting of a new constitution by the National Consultative Council, to be voted on by referendum within 4 years. The new constitution is to provide a timeframe for free and democratic elections.

Sometimes, traditional leaders (cantonal or village chiefs for example) are popularly elected or chosen by subordinate members of the traditional hierarchy (village chiefs or family heads, for example).

In the occupied northern zone, Chadians must establish Libyan-style "Peoples' Committees." The alliance of armed Chadian opposition groups known as the Transitional Government of National Union (GUNT) collapsed by late 1986 due to disillusionment with Libyan control, military defeat, and Habre's successful policy of national reconciliation. The GUNT had previously served as a front for the Libyan occupation of northern Chad.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

As noted above, the Chadian Government permits the ICRC to visit many prisoners of war captured before 1986. It does not, however, permit ICRC visits to prisoners captured during the fighting of 1986. The Libyans do not permit ICRC visits to Chadian prisoners of war in the north.

The Government has carried on a "dialogue" with Amnesty International and permitted Amnesty to send a mission to Chad in 1985 to discuss human rights, including status and conditions of prisoners of war, which the Government maintains are held in recognized detention centers.

Chad has no internal human rights organizations, either official or nongovernmental. Chad ratified the Organization of African Unity's African Charter for Human and Peoples' Rights in July 1986.

CHAD

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There are some 200 ethnic groups in Chad, which can be divided roughly between Saharan and Arab Muslim in the northern and central regions, and negroid peoples in the south. Over 21 years of conflict have brought out the complexity of ethnic divisions beyond simple north-south formulations. Habre has made a serious effort to expand the ethnic and geographic representation of his administration and to create a truly national government by appointing ministers, deputy ministers (secretaries of state), and administrators from all parts of the country.

In the public domain, at least, women are generally subordinate to men. Women contribute greatly to Chad's agricultural productivity in virtually all aspects of farming. They also engage in commerce, ranging from simple market stalls to the ownership of some larger businesses. The titular members of agricultural cooperatives still tend to be men. Women may serve voluntarily in the armed forces, although they are excluded from officer training programs. In 1984 a Ministry of Social and Women's Affairs was created and has always had a woman minister. Only 1 of the 15 members of the executive bureau of UNIR's central committee is a woman. UNIR has a fairly active women's organization. Many women, especially war widows and their children, have inadequate means of support.

CONDITIONS OF LABOR

The minimum age for employment is 14. Many exceptions abound, however, as Chad is a predominantly labor-intensive agrarian society, with 95 percent of the population engaged in subsistence agriculture. The statutory minimum for wage labor is approximately $25 per month. With the Government extremely short of funds, civil servants below the executive level receive only 60 percent of salaries on the scale established in 1977. Nonagricultural work is limited to 48 hours per week with overtime to be paid for any excess. Agricultural work is supposedly limited to 2,400 hours per year. All workers must have at least 24 consecutive hours of rest each week, usually on Sunday. Occupational health and safety standards are established by law and ministerial decree but, as with most social legislation, enforcement is weak.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: CHAD

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	16.0	35.4	15.5
LOANS.....	0.0	0.0	0.0
GRANTS.....	16.0	35.4	15.5
A.AID	11.0	15.5	15.5
LOANS.....	0.0	0.0	0.0
GRANTS.....	11.0	15.5	15.5
(SEC.SUPP.ASSIST.)...	3.0	5.0	9.8
B.FOOD FOR PEACE.....	5.0	19.9	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	5.0	19.9	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	5.0	19.9	0.0
E.RELIEF.EC.DEV & WFP.	3.8	13.6	0.0
VOL.RELIEF AGENCY.....	1.2	6.3	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	2.2	5.2	5.9
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.2	5.2	5.9
A.MAP GRANTS.....	2.0	5.0	5.7
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.2	0.2	0.2
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	18.2	40.6	21.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	18.2	40.6	21.4
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	5.2	11.0	15.0	306.6
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	0.0	0.0	15.0	95.4
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	49.1
UNDP	5.2	4.8	0.0	39.5
OTHER-UN	0.0	6.2	0.0	15.8
EEC	0.0	0.0	0.0	106.8

COMOROS

The Comoros unilaterally declared its independence from France in 1975. The first President, Ahmed Abdallah Abderemane, was overthrown almost immediately but regained power in 1978 when mercenaries ousted the increasingly repressive and xenophobic regime of Ali Soilih. Abdallah was reelected unopposed to a second 6-year term in 1984. In recent years, constitutional amendments have strengthened the President's position, notably in the appointment of governors, in the centralized collection of taxes, and in the establishment of a single legal political party, the Comorian Union for Progress (UCP). Village notables and religious leaders dominate local politics while three major families, the President's being one, control most of the import-export business.

A 75-member mercenary force continues to train and lead the Presidential Guard, the best equipped security force in the islands. French technical assistance is provided to the small Comorian armed forces and the Gendarmerie. Each island also has a local police force.

Agriculture dominates economic activity. With a population of 450,000, likely to double by the year 2000, the Comoros are rapidly approaching full utilization of arable land. Revenues from the export of copra, vanilla, essence of ylang-ylang, and cloves cover only a portion of necessary imports. There are no industries, inadequate port facilities, and limited highway and communications infrastructure. The Comoros are part of the francophone Africa monetary zone, and the Government depends heavily on France for budgetary support and technical assistance.

There was little change in the human rights situation in 1986 from 1985. Following the aborted coup attempt by Comorian soldiers in March 1985, which resulted in the trial and conviction of 77 coup plotters, the Government arrested 30 soldiers at the end of 1985 for planning a second coup attempt. Most of those detained and sentenced in connection with both plots have now been released.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killings.

b. Disappearance

There were no reports of government-inspired disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Reports that mercenaries beat alleged coup plotters were investigated by several human rights groups in 1985 and again in 1986. Amnesty International's 1986 Report indicated that one prisoner was said to have been beaten to death during interrogation.

Penal discipline is lax; most prisoners are usually released during the day for prayers and work. Families are expected to help provide their meals. The arrest of some 200 persons

after the first coup attempt resulted in severe overcrowding of the Comoros' meager prison facilities until early 1986 when many of the prisoners were released.

d. Arbitrary Arrest, Detention, or Exile

The Government made large-scale arrests after the March 1985 coup attempt, and it kept about 80 of the principal suspects in extended incommunicado detention. Mercenaries reportedly participated in many of the arrests and in the interrogation of detainees. Current legal procedures permit the government to take such actions, especially in security cases. The role of the mercenaries in the interrogation process was not authorized and was quickly terminated. As of the end of 1986, all persons arrested in connection with the 1985 coup attempt and its aftermath had been subjected to judicial process. At the end of 1986 there were no persons in detention on political grounds.

There is no evidence of forced or compulsory labor.

e. Denial of Fair Public Trial

The 1978 Constitution provides for the equality of all citizens before the law and the right of all accused persons to a defense. The judiciary is independent in regular civil/criminal cases, and trials are open to the public. The Comorian legal system applies a mixture of Islamic law and an inherited French legal code. French and Comorian experts were drafting a new consolidated legal code at the end of 1986. Most disputes are settled by village elders or by a civil court of first instance.

President Abdallah ordered the establishment of a special criminal court of appointed members to try many of the alleged March 1985 coup conspirators, based on a 1960 decree as amended in October 1985. Charges were not lodged until September, and the trial was held in November. Seventy-seven persons, both civilian and military, were sentenced to terms ranging from 10 months to life imprisonment; 18 persons were subsequently pardoned in late 1985, but an additional 30 persons, all soldiers, were arrested at the end of 1985 for allegedly planning a second coup. Most of the persons sentenced or detained in these two coup incidents were pardoned or released during 1986. Approximately 34 alleged coup plotters were being held at the beginning of 1987.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of home and property. There were no known cases of arbitrary interference with privacy in 1986.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of expression. Comorians discuss and criticize their Government and its leading personalities in private but not in public. The only local news media are the government-controlled radio station and monthly newspaper, which are self-censoring when covering domestic events. Foreign journals and newspapers are available, as are books from abroad.

Clandestine tracts critical of the regime continued to circulate, despite several arrests and the occasional confiscation of printing equipment. Cassettes made in Iran and distributed by disaffected youths in Anjouan in early 1986 prompted the arrest of 35 Islamic students and the confiscation of pro-Khomeini materials. The students were released uncharged 3 weeks later, after intense pressure from influential family members for their release.

b. Freedom of Peaceful Assembly and Asociation

The Constitution states that freedom of association and freedom to form unions are guaranteed, as well as the right to strike. In practice, these rights are partially circumscribed. In theory, all legal political activity takes place within the UCP. In practice, however, social occasions, such as the traditional lavish, extended Comorian weddings, serve as vehicles for intense political activity. Anniversaries of the death of former political figures and funerals of prominent Comorians sometimes also carry political overtones. On June 10 the end of Ramadan featured a street demonstration in favor of an opposition figure recently returned from France. The Gendarmerie promptly dispersed the crowd but made no arrests.

The wage labor force is small, and unions are not effectively organized. The scarcity of jobs is also a serious restraint on labor organization. As a result, there have been no strikes, but the Government's inability to pay wages and salaries on schedule sometimes results in work slowdowns, absenteeism, and informal peaceful protests to Comorian authorities.

c. Freedom of Religion

An overwhelming majority of the population is Muslim. The Constitution holds Islam to be the "wellspring of the principles and rules which guide the State and its institutions." However, the Government upholds the right of non-Muslims to practice their faith. There are churches for the small Protestant and Catholic populations. Christian missionaries work in local hospitals and schools, but they are not allowed to proselytize.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Movement within and outside the Comoros for citizens and foreigners is not restricted. A Comorian community abroad, concentrated in France, includes many persons who oppose the Government. In 1986 there was no evidence that those returning to the Comoros were subjected to government reprisals.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

During the Soilih period, undisciplined youth committees often terrorized society, all of the country's civil records were destroyed, and prominent families faced intermittent persecution. Soilih openly challenged the dominance of Islam, alienating much of the devoutly Islamic population. The Soilih experience caused many Comorians to fear radical change. The restoration of President Abdallah in 1978, and a commitment to moderately paced change, ended that phase of radicalism.

COMOROS

Abdallah remains the single most important factor in Comorian politics. He commands the personal loyalty of the mercenary-led Presidential Guard, and his position is buttressed by his own personal wealth. The inability of a fragmented opposition to coalesce around a viable alternative to Abdallah has also reinforced the President's position. Abdallah has been in conflict with some of the leading "notables" since a cabinet reshuffle in 1985. The replaced notables have undertaken a "constitutional" effort to depose Abdallah. Discontent with the privileges of the Abdallah family and frustration with the notables' modest role in Comorian political life surfaced in the debates in the 38-member National Assembly in 1986.

According to the Constitution, Assembly elections must be held within 5 years of the previous election. Abdallah's political party, the UCP, was made the sole legal party in a 1982 amendment to the Constitution. However, Abdallah has indicated that all political groups can nominate candidates for the next election to be held in March or April 1987.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The March 1985 coup prompted an investigation by several international human rights groups of the extended detention of alleged coup plotters. Subsequently the Interior Minister delivered a bitter rebuttal of published criticism of the Comorian human rights situation by Amnesty International and other human rights entities. He claimed that the Government invited all interested groups to make an on-the-spot examination of conditions in Comoros.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The constitutional deference to Islam formalizes the deeply held commitment of most Comorians to an Islamic world view. The Comorian commitment to a free society is essentially a traditional Islamic one of an open marketplace, tolerance of other religions, and equality of Muslims before Allah. The society respects authority based on inheritance, age, wealth, and religious leadership. The Government demonstrated its nervousness about fundamentalist Islamic groups by the detention early in the year of the 35 Anjouan students. The Constitution formally provides for the equality of citizens regardless of race, sex, or religion, but men have a dominant role within Comorian society. At traditional ceremonies and social gatherings, the sexes are separated. Suffrage is universal, but the opinions of husbands and fathers exercise a formidable influence over women's voting habits. Yet women are neither veiled nor limited to minor civil service posts. Women have the right to participate in the political process, but tradition has discouraged the exercise of that right.

CONDITIONS OF LABOR

Young children are employed in household chores but not in the public or commercial sector. The lack of a minimum age for employment does not in practice encourage child labor abuse because jobs for adolescents and young adults are scarce, and wages for workers of all ages are very low. There is no industrialization or factory activity. Wages and standards of occupational safety and health are consistent with Comoros' status as one of the world's poorest countries. Hours of work in any category rarely exceed 35 hours per week.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: COMOROS

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	1.6	0.6	0.8
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.6	0.6	0.8
A.AID	0.8	0.4	0.8
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.8	0.4	0.8
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.8	0.2	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.8	0.2	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.8	0.2	0.0
E.RELIEF,EC.DEV & WFP.	0.8	0.2	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	1.6	0.6	0.8
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.6	0.6	0.8
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	8.3	5.4	0.0	86.0
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	7.8	0.0	0.0	32.8
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	5.4	0.0	42.6
UNDP	0.3	0.0	0.0	10.1
OTHER-UN	0.2	0.0	0.0	0.5
EEC	0.0	0.0	0.0	0.0

CONGO

The People's Republic of the Congo is officially a Marxist-Leninist state and is governed by an elite group of party, cabinet, and military officials through the single legal party, the Congolese Labor Party (PCT). In the past year, and particularly since Congolese President Denis Sassou-Nguesso became the President of the Organization of African Unity, there has been a tendency toward a more open society with expanded contacts with the West. In addition to serving as President of the Republic and Head of Government, Sassou is also president of the party. The President nominates the 13-member political bureau, the key policy-making group, which is approved by the 75-member central committee. Within the central committee, members from the northern regions of the country are in the majority and hold the balance of power, even though they represent a minority of the population. The military and security services are also firmly under the control of the northerners, and they ultimately hold the key to power in the Congo. The need to maintain consensus among the political leaders representing traditionally conflicting areas provides a check on arbitrary policies.

The security apparatus, which is under the direction of the presidency, is headed by the state security organization (DSGE) and is patterned after those in Eastern Europe. Its principal objective is to protect the State against possible dissident activity. There are also party core groups in all ministries, labor organizations, mass organizations, and urban districts (arrondissements) which monitor the activities of coworkers and neighbors. In addition to the DSGE, there are the regular police forces whose discipline is generally improving with continuing Eastern European and Cuban training.

With its small population (1.9 million) and relatively high per capita income (about $1,200), the Congo is one of Africa's most prosperous countries. The economy is highly dependent on oil, which in past years has accounted for over 90 percent of exports. In 1982 the Congo began to implement an ambitious 5-year investment plan, concentrated heavily on infrastructural development, but by 1985 sharp reductions in oil revenues forced the Government to cut its budget in half and in 1986 to accept an International Monetary Fund adjustment program.

The human rights situation in the Congo changed little in 1986. Persons previously cited by Amnesty International as political prisoners were brought to trial in August on charges related to two acts of terrorism (bombings) dating from 1982. The trial was open to the public and virtually all of the proceedings were transmitted live on Congolese television. The defendants were convicted and sentenced to terms ranging from a 5-year suspended sentence to death for the alleged leader. While not politically free, most Congolese go about their daily lives with a minimum of government or police interference.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reported cases of killing for political motives.

b. Disappearance

There were no reported cases of disappearance for political motives.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The practice of beating suspects at police stations and at state security centers in the course of interrogations is not uncommon. Neither is it uncommon for the public or the police to beat thieves who have been caught in the act of stealing.

Political prisoners are held incommunicado, and it is reasonable to assume that torture is used to extract information desired by the police that is not freely given. Several political prisoners held incommunicado in the past have since been freed and are now leading normal lives with no apparent ill effects. Some have managed to regain their earlier status and are serving as government ministers. In 1986 there were no confirmed reports of torture of political prisoners who were held incommunicado. However, during the bombing trial in August, one defendant alleged in court that he had been tortured while in detention, and another defendant retracted statements he claimed to have made under duress. Amnesty International's 1986 Report noted that some detainees held by the DSGE in 1985 had reportedly been subjected to mock executions and repeated severe beatings. On October 1, Amnesty repeated its expressions of concern regarding "continuing reports of torture" in the Congo.

Prison conditions in general are poor, and there is a lack of adequate food, hygiene, and medical care. Both detainees and prisoners may be visited by family or friends who bear the responsibility for providing food, medicines, etc.

d. Arbitrary Arrest, Detention, or Exile

Whereas the Constitution guarantees protection against arbitrary indictment, arrest, and detention, in practice a warrant is not required to make arrests. There is a legal requirement that a detainee be brought before an investigating judge within 3 days of arrest. The judge may then order detention for a maximum period of 6 months after which the detainee must be charged or released. However, this law does not apply in cases involving the security of the State, and some political detainees have been held for long periods without trial. Persons detained for nonpolitical offenses are entitled to an attorney. Despite the Government's steps to increase the number of magistrates and to improve the processing of cases, the administrative processing of cases is slow, and persons awaiting trial are often detained for considerable periods, even in nonpolitical cases. There is no independent bar association. At the time of trial, the defendant has the right to a lawyer; all lawyers are under the general authority of the Government. In criminal cases, defense lawyers are provided by the Government for those without funds.

Whether a detainee is formally charged usually depends upon the seriousness of the crime and the economic situation of the family. For lesser crimes, the person is usually taken to jail, where he may be beaten and held for a few days, then released on bail pending a trial, which may or may not ever

take place. A person accused of a serious crime (e.g., murder, rape) is held in prison until the trial, which may be months or even years later.

There is no known forced labor in the Congo.

e. Denial of Fair Public Trial

The legal system is not insulated from political interference. The Constitution provides for a Supreme Court which is in practice an arm of the executive rather than an independent body. The amended Constitution also provides for nonprofessional judges to be elected to all courts below the Supreme Court. The stated purpose of this change was to "popularize justice", i.e., provide a role for tribal or regional peers to influence the formal judicial process. According to the law, any Congolese citizen may now become a judge but can adjudicate cases only in collaboration with trained judges. Each nomination must be approved by the party.

By law, the right to a fair and public trial exists in all cases, and the judicial process is relatively fair and open for those accused of common crimes. Also, it is not uncommon to have a higher court reverse lower court decisions in nonpolitical cases.

According to the Congolese Government, there are no political prisoners in the Congo. Ten persons cited by Amnesty International as political prisoners being held incommunicado in 1985 were tried in August 1986 and were convicted of crimes associated with two acts of terrorism (bombing) in mid-1982. Two of the defendants, Jean-Pierre Thystere-Tchicaya and Claude-Ernest Ndalla, were formerly senior government officials. The former received a 5-year suspended sentence, while the latter, who admitted having been in possession of illegal explosives, was sentenced to death. This death sentence had not been carried out by the end of 1986. The other defendants received sentences ranging from 10 to 20 years in prison. The trial was held in the Revolutionary Court, a special court with jurisdiction over political cases. There was no right of appeal. Virtually all of the proceedings of the trial were televised live. The attorneys for the defendants were quite vigorous and apparently competent in the defense of their clients. On several occasions, they publicly chided the Government for illegal practices, including torture and coercion, in its prosecution of the case. With the completion of the trial, there were no other known political detainees in Congo.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There is little interference by the Government with privacy, family, home, or correspondence. Citizens are not forced to participate in the party or its organs. In general, so long as a person does not engage in any activity which involves or implies opposition to the Government, he is not oppressed or harassed.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press are restricted, despite guarantees in the Constitution. The State owns and controls the media

except for one weekly religious newspaper. The Government allows some domestic criticism of policies and programs judged not to be politically sensitive, but it does not allow its ultimate authority to be challenged publicly. Journalists may raise issues and concerns only within general guidelines laid down by the Government and the party. The Government/party is selective in the kinds of news and information it permits Congolese journalists to publish from various outside sources of information. Television viewers have access to Zairian media programs. A State censorship board reviews the content of newspapers, movies, books, and records. Publications are subject to censorship if they contain critical articles. For example, one issue of a church newspaper was seized and burned as a result of some mild criticism of the Third Party Congress, and a warning to the church was later published in the party's official organ. While the Government controls the local press, foreign journalists are generally permitted to travel freely once an entry visa and a special permit for travel to the interior are obtained. These are usually granted.

b. Freedom of Peaceful Assembly and Association

The right of peaceful assembly is limited by the State's perceived self-interest. Political meetings are permitted only for the party and its organizations. Government permission is not required for groups to assemble for religious and social purposes but is required for use of official facilities. Government authorization is also required to establish professional clubs and organizations, of which there are several.

The labor code adopted in March 1975 is quite liberal in theory, and guarantees the right of association. However, given its past active political role, the labor movement is closely scrutinized and controlled by the Government and party. In practice, the party controls the unions, largely through the umbrella union, the Congolese Trade Union Confederation (CTUC), which is an appendage of the party. The party approves the national leadership of the CTUC. No group is allowed to form an independent, alternative union outside the party, which led to a complaint to the International Labor Organization (ILO) that the Congo was not observing the Convention on Freedom of Association (No. 87). The CTUC is represented in every ministry and state owned enterprise and serves on mandatory boards which include a union representative along with a member of the Government and the party. Known as the "determinant trilogy," this structure is responsible for ensuring that the three major points of view are represented in the decisionmaking process and serves as the Congo's form of collective bargaining. The CTUC unions are prohibited from striking, although wildcat strikes do occur with relative impunity. The local unions within the Confederation have been able in some instances to persuade the Government to provide workers with increased benefits. As long as political subjects are avoided, there is also a certain degree of democratic dialogue within the labor movement and with the Government. The CTUC maintains relations with recognized international organizations such as the ILO.

c. Freedom of Religion

Freedom of religion is guaranteed by law. In practice, party members are prohibited from practicing any religion. Religious organizations (churches, the Salvation Army, etc.) must obtain

the Government's permission to work in the Congo. Jehovah's Witnesses, for example, are not permitted in the Congo, allegedly because Witnesses do not recognize the authority of the State. With these exceptions, the party does not normally interfere in religious affairs. The Catholic Church, the largest congregation, maintains a seminary for the training of its clergy and has missions throughout the country. Masses are held in the various local languages as well as in French. The Catholic Church publishes the only independent newspaper, La Semaine Africaine. Catholic and other missionaries are active in running private missions and clinics and provide other social services. While some of these services are joint ventures between church and government, many of the services formerly provided by churches have been abolished. The Government is officially atheist. Christmas Day is called Children's Day.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government exercises limited control over the internal movement of its citizens through identification card checks. There are control points in Brazzaville manned by soldiers who occasionally open fire on people who fail to follow their instructions or who inadvertently drive into restricted zones at night. Congolese citizens who wish to travel abroad require exit authorization from the Office of State Security. For most citizens this is a fairly routine process. However, those who are suspected of traveling for political motives encounter obstacles in obtaining such authorization. Government employees traveling abroad must obtain permission from the appropriate government office. Passports must be returned to the Office of State Security after the traveler's return from abroad.

The Government exercises tight control over travel by foreigners in the Congo. Most visas are for one entry only, exit visas are required for nondiplomats, and those desiring to travel into the interior must obtain permission from the appropriate ministry.

There have been no known instances of Congolese being refused the right to return to their country. Citizenship may be lost under conditions established in the nationality code. For example, citizenship may be lost by taking citizenship in another country or for conviction of espionage. There are no known cases of a native-born Congolese being denied citizenship as a punishment.

The Congo is the home of about 1,200 exiles and refugees, mostly from surrounding central African states. While refugees are subject to surveillance and occasional harassment by the Government, there were no cases of forcible repatriation in 1986. The Congo is a signatory to the U.N. Convention and Protocol Relating to the Status of Refugees, and a representative of the United Nations High Commissioner for Refugees is resident in Brazzaville. Amnesty International has expressed concern over the 1985 detention without trial of several Zairian asylum-seekers, including Antoine Gizenga, a former Deputy Prime Minister of Zaire.

CONGO

Section 3 Respect for Political Rights: the Right of Citizens to Change Their Government

While the President is the most powerful single person in the Government, his authority is limited by his need to maintain a consensus in the political bureau of the party. The balance of power in the political bureau and in the larger central committee is held by northerners to the detriment of the far more numerous southerners. Military officers occupy key positions among the ruling group and help ensure its continuation in power.

The Congolese people do not have the right to change their Government through democratic processes. Opportunities for political involvement by Congolese citizens are limited to the Congolese Labor Party, including its "mass" organizations, and to participation in the national, regional, and local assemblies. No other political parties are permitted to operate. Party membership, which numbers approximately 8,700 out of a total population of almost 2 million, is highly controlled and membership is awarded on the basis of loyalty and political performance.

While the Third Party Congress in 1984 declared the National Assembly the supreme organ of state, its powers are in fact limited. The national, regional, and local assemblies are "elected" from single-party approved lists. Such lists present only one candidate for each position to be filled. However, the candidate selection process can involve a certain amount of give and take, and incumbents have been turned out of office in the process. Representatives of the National Assembly are chosen from all walks of life, including from traditional leaders, small farmers, and workers. The Assembly has some impact on social and economic issues, and assemblies at the local and regional levels may discuss issues before the decisions are made at the national level.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no human rights organizations in the Congo. Amnesty International was permitted to send observers to the 1986 bombing trial.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Under the Constitution there is no official discrimination based on race, sex, religion, language, or social status. As noted, northerners carry disproportionate influence in the political and security organs. Women have the same rights as men in the private, political, and social domains. There is a large disparity in practice, however, between salaries for men and women, and women are relegated to a secondary role in the modern sectors of society. In traditional society, women are often the chief decisionmakers. Five women are members of the party's 75-member central committee, and one is Minister of Basic Education and Literacy, the only woman in the 27-member Cabinet. This latter position is important as the Congo historically has stressed the importance of literacy and devotes almost a third of its budget to education.

CONGO

CONDITIONS OF LABOR

Revenues from oil production allow the Government to employ large numbers of Congolese for various government organizations including state corporations. Working conditions for Congolese in the modern sector are generally good. These include a minimum working age of 16, a maximum 40-hour workweek, at least 1 day of rest per week, family benefits, and medical aid. However, there is no social security, and the minimum hourly wage is $0.34 for city employees and $0.29 for agricultural workers. Domestic workers must be paid at least $60 monthly. There is a code of occupational safety and health, although it is probably not enforced. While many Congolese have a generally high standard of working conditions and social benefits, most of the population is still engaged in subsistence farming.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: CONGO, REP. OF

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	1.0	1.4	0.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.0	1.4	0.7
A.AID	1.0	1.2	0.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.0	1.2	0.7
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.2	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.2	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.2	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.2	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	1.0	1.4	0.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.0	1.4	0.7
OTHER US LOANS.....	33.8	12.1	0.0
EX-IM BANK LOANS.....	33.8	12.1	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	7.3	3.2	26.8	366.8
IBRD	0.0	0.0	0.0	111.7
IFC	1.5	0.0	2.7	7.9
IDA	0.0	0.0	0.0	74.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	2.3	0.0	36.0
UNDP	1.8	0.9	0.0	27.0
OTHER-UN	0.0	0.0	0.0	2.5
EEC	4.0	0.0	24.1	107.7

COTE D'IVOIRE

Cote d'Ivoire, a former French colony which gained independence through a peaceful transfer of power in 1960, is a one-party state with a civilian government. Power is concentrated in the Democratic Party of Cote d'Ivoire (PCDI) and its long-time leader, President Felix Houphouet-Boigny, now 81 years old. Although the freedom to form other parties is guaranteed by the Constitution, in practice no other party has been allowed to participate in the political process. More open discussion of government policies has been permitted since the country's first competitive elections in 1980 for PCDI, municipal, and legislative positions. Membership in the party organs, the number of municipalities which have elected leadership, and the representation in the National Assembly have all steadily expanded in the last 26 years to reflect the growth and diversity of the Ivorian population. However, the unicameral National Assembly has never publicly challenged a policy put forth by the executive branch.

The Ministry of Internal Security includes the Surete National and the Gendarmerie, the national police service structured along French lines. The Surete has an arm tasked with intelligence gathering and counterespionage responsibilities. The Gendarmerie is responsible for territorial security, especially in the rural areas.

Cote d'Ivoire has enjoyed considerable economic development since independence, but poverty still prevails in much of the country. The Ivorian economy is market-oriented and open to foreign investment. During the 1980s Cote d'Ivoire has been squeezed by a heavy debt burden and flat prices for its exports on world markets. In response, the Government introduced austerity measures to offset reduced revenues. Gross domestic product rose by 4.7 percent in real terms in 1985.

The human rights situation in Cote d'Ivoire remained generally satisfactory. The President continued to advocate "dialog" in settling disputes, generally seeking to involve dissenters in the operation of the one-party structure rather than to isolate them. There are no known political prisoners, and there have been no known executions of political opponents. Detainees, especially non-Ivorian Africans, are routinely treated roughly by the Surete National and the Gendarmerie upon arrest.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There have never been reports of officially sanctioned political killings.

b. Disappearance

There were no reports of officially sanctioned abduction or disappearance.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Ivorian penal code prohibits official violence without legitimate justification. The code does not, however, specifically mention or prohibit torture nor does it define

what constitutes "legitimate justification" or the level of violence officials may use if "justified". There were no reports of torture during 1986, and systematic cruel, inhuman, or degrading treatment of persons or prison inmates is not thought to occur. Foreign Africans are treated more roughly by police on arrest than are Ivorians. Prisoners are allowed visits from attorneys of their choice and from family members, who must provide food to supplement the sparse prison diet. Prisons are crowded and conditions are poor. Sanitation and medical facilities are minimal.

d. Arbitrary Arrest, Detention, or Exile

The Ivorian Constitution and pertinent statutes prohibit arbitrary arrest or imprisonment. However, the Government has occasionally detained persons considered a threat to internal security. It also takes firm nonviolent measures against acts it considers threats to internal security. The Government has used the threat of forced conscription to discourage student involvement in antigovernment activities. Some prominent critics of the Government have chosen to live and write elsewhere; on the other hand, political exiles from a number of countries have found Cote d'Ivoire a hospitable safehaven.

Under the Ivorian penal code, a public prosecutor can order the detention of a suspect for up to 48 hours without bringing charges. The code dictates that further detention must be ordered by a magistrate who can authorize periods of up to 4 months but must provide the Minister of Justice, on a monthly basis, with a written justification for continued detention. There have been no reports that officials failed to adhere to these legal guidelines.

There is no forced labor in Cote d'Ivoire.

e. Denial of Fair Public Trial

Ivorian law establishes the right to a fair public trial. This provision is generally respected in urban areas. In rural areas, justice is often administered at the village level through traditional institutions. These are increasingly superceded by the formal judicial system and are increasingly confined to purely local questions such as domestic disputes, minor land questions and family law. Dispute resolution is by extended debate, with no known resort to physical or similar punishment. There is general agreement that the judicial system is independent of the executive in practice as well under the Constitution's separation of powers. Defendants accused of felonies or capital crimes have the right to legal counsel, and the judicial system provides for court-appointed attorneys for indigent defendants. In practice, however, such attorneys are not readily available. The Court of Appeals reviews verdicts of civilian courts. Civilians are not tried by military courts. There are no appellate courts within the military justice system. Persons convicted by a military tribunal occasionally request the Supreme Court to set aside the tribunal's verdict and order a retrial.

Cote d'Ivoire marked its 25th anniversary of independence on December 7, 1985, by releasing 9,500 of its 13,000 convicted prisoners. Prisoners involved in violent crimes and armed robbery were reportedly not included in the amnesty.

COTE D'IVOIRE

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

With a few exceptions, all Ivorian citizens are considered to be members of the PDCI. Party regulations call for active participation in party activities and payment of dues; however, these regulations are not strictly enforced. Ivorians who choose not to participate do not suffer retaliation. It is not known what percentage of the population actively participates in the party. The code of penal procedures specifies that a police official or investigative magistrate may conduct searches of homes without a warrant if there is reason to believe there is evidence concerning a crime on the premises. The official must have the prosecutor's agreement to retain any objects seized in the search. He is required to have witnesses to the search, which may not take place between the hours of 9 p.m. and 4 a.m. Legal safeguards against arbitrary searches are generally respected in urban areas but are sometimes ignored in the countryside.

In the past there have been scattered reports of forced entry or other violations of the home, specifically involving foreign Africans. There is no evidence that correspondence and telephone conversations have been monitored.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There is a limited range of free expression in Cote d'Ivoire. Critics of the Government feel free to, and do, express themselves in informal situations without fear of reprisal. Public criticism of basic government policies, the party, or the President, however, rarely occurs. Limits--such as the cancelation of gatherings--are occasionally placed on the expression of controversial views in public forums. As a result of 1982 student disorders, only apolitical gatherings are now permitted on campus, but students still speak freely about politics in informal situations.

The country has one privately owned daily newspaper; its editorial opinion follows the policies of the PCDI. The one weekly newsmagazine is controlled by the party. The publishing of additional nongovernment publications is not prohibited. The Ministry of Information, Culture, Youth and Sports operates radio, television, and a wire service. Government policy assigns the media a positive role in promoting national unity and development. It allows criticism of failures to execute policy but not criticism of the policies themselves. Investigative journalism is permitted except with respect to the Government and its policies. The Government has occasionally banned a critical publication, such as Islam and Cote d'Ivoire. Foreign publications are readily available, but occasionally issues which are particularly critical of the Ivorian Government, the party, or the President are seized. In July 1986, the Government brought to the French Government's attention its displeasure with two Paris publications which were critical of the Ivorian leadership.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is generally respected, except when the Government perceives a significant and immediate danger to public order. In such infrequent cases, the Government

prohibits meetings and arrests persons who disregard its orders, as for example in 1985 when students staged public demonstrations to protest against a drop in scholarship aid. The vast majority of those arrested were released shortly thereafter. There is no history or tradition of assembly for purely political purposes outside the established party structure.

The majority of unions are organized and directed by a government-sponsored union confederation, the General Union of Cote d'Ivoire Workers (UGTCI), the leader of which occupies a senior position in the party hierarchy. Union membership is encouraged but not mandatory. The UGTCI is a relatively passive coordination mechanism rather than an active force for workers' rights. The UGTCI secretariat, however, often plays a mediation/conciliation role in relations between labor and management in individual businesses. The UGTCI also has representatives in every major business enterprise. Collective bargaining within each company takes place under its leadership.

The right to strike exists under statute, but in practice strikes are rarely authorized by the UGTCI. The 1983 secondary teachers' strike was broken by a presidential decree ordering teachers back to the classrooms and threatening them with fines and prison sentences for noncompliance. Generally, the Government negotiates with strikers and resolves at least some of their economic grievances. There have been no reports that professional groups have experienced persecution or harassment. The Government, however, attempts to bring such groups under its wing or that of the party so as to exercise control over their activities. Unions, trade associations, and professional bodies are permitted to maintain relations with recognized international professional bodies in their fields. The UGTCI is a member of the continent-wide Organization of African Trade Union Unity. Cote d'Ivoire is a member-state of the International Labor Organization (ILO), and the UGTCI participates in the Ivorian delegations to ILO conferences and events.

c. Freedom of Religion

There are no known impediments to religious expression. There is no dominant religion, and no particular faith is favored by the Government. The open practice of religion is permitted, and there are no restrictions on religious ceremonies or teaching. The most lucrative government and private sector jobs seem to be concentrated among the minority Muslim (25 percent) and Christian (15 percent) populations, a phenomenon attributable more to urbanization and access to education than to a systematic pattern of discrimination.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Ivorian Government exercises minimal control over domestic travel, but internal roadblocks for identity checks are common. Ivorians can travel abroad freely and can emigrate without discrimination. Ivorians have the right of voluntary repatriation. There are no known cases of revocation of citizenship.

Cote d'Ivoire's refugee and asylum practices are liberal. The country has resettled or granted safehaven to Angolans, Burkinabe, Eritreans, Ghanaians, Guineans, Liberians, and

Vietnamese. While in Cote d'Ivoire, they receive 1-year renewable resident visas for their first 5 years in the country, after which they may apply for permanent residence. Cote d'Ivoire does not take any significant responsibility for the economic and social welfare of refugees, which becomes the concern of private and international organizations.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Political participation is limited to the PDCI which is headed by President Houphouet-Boigny. No opposition groups exist openly, and their formation is discouraged. Within the party, the President operates through a 10-member executive committee, a 58-member political bureau, and a 206-member steering committee. Political power is concentrated in the President's hands, and most important decisions are made by the President himself. Though legally empowered to do so, the National Assembly does not initiate legislation but only acts to confirm legislative initiatives received from the President. It has not publicly challenged a single government policy or initiative to date.

Within this strictly observed one-party system, the Ivorian Government continues to encourage more open participation in the political process by expanding the size of the party institutions and by permitting party member to contest legislative, municipal, and local party elections. In the case of the 1985 legislative elections, approximately 577 individuals ran for the 175-seat National Assembly. Beyond the injunction to possess good character and certain age restrictions, the 1985 elections were open to virtually all would-be contestants. The party played no role in choosing candidates or administering the elections. Intense competition took place in all three elections and all citizens were eligible to vote. Many incumbents were defeated.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has been cooperative toward inquiries into its human rights situation, the last of which occurred in 1981. Cote d'Ivoire has a local chapter of Amnesty International.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There is no apparent discrimination based on race, sex, religion, language or social status. All religions are represented at top levels of government and throughout society. Although French is the official language and the language of instruction, radio and television broadcasts are provided in major local languages. Social and economic mobility are not limited by policy or custom.

Although males clearly play the preponderant role overall, some Ivorian traditional societies accord women considerable political and economic power. Nonetheless, in rural areas tribal customs dictate the division of menial tasks, which are performed mostly by women. Female circumcision continues to be practiced among elements of the Ivorian population, although it is rare in urban populations. Official party policy is to encourage full participation by women in social, economic, and political life. The role of women has recently won somewhat

greater prominence. In July 1986, the President appointed a new Minister for Women's Affairs, a cabinet-level position first created in 1976 but which had been vacant for almost 2 years. Women remain lightly represented at the higher levels of government and the party. Ten women are deputies in the 175-seat National Assembly and 28 women are members of the 202-member Steering Committee of the PDCI. Non-Ivorian Africans living in the Cote d'Ivoire are estimated at over 2 million, half of whom are from Burkina Faso and the rest from other nearby countries. These foreign workers play an important role in the Ivorian economy, especially in agriculture. The Government's policy of Ivorianization requires that all positions be offered to Ivorians before foreigners; this prevents foreign Africans from obtaining most of the higher paying wage and salary jobs in the modern sector. There were no riots in 1986 directed against non-Ivorian Africans as had occurred occasionally in the recent past.

CONDITIONS OF LABOR

Cote d'Ivoire is a signatory to and seeks to abide by the U.N. conventions on workers' rights and conditions of employment. Minimum wage levels and a minimum working age of 16 years of age have been established by the Government. The Government enforces a comprehensive work code of law, Code du Travail, governing the terms and conditions of service for salaried workers and providing for occupational safety and health standards. Extensive safeguards protect those employed in the modern sector against unjust compensation, excessive hours, and capricious discharge from employment. Month-long paid vacations and a substantial severance pay are guaranteed. Government medical insurance and retirement programs provide an element of income security for salaried employees in the modern sector. Urban workers in the informal sector and rural workers find conditions quite different, and occupational regulations may be underenforced.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: IVORY COAST (COTE D'IVOIRE)

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	0.0	1.6	1.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	1.6	1.7
A.AID	0.0	1.6	1.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	1.6	1.7
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & MFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.2	0.2	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.2	0.2	0.1
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.2	0.2	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.2	1.8	1.8
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.2	1.8	1.8
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	275.9	218.3	374.7	2302.1
IBRD	250.7	141.3	340.1	1808.2
IFC	1.3	2.6	12.6	31.3
IDA	0.0	0.0	0.0	7.5
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	19.8	59.5	0.0	95.0
UNDP	4.1	0.3	0.0	39.6
OTHER-UN	0.0	2.0	0.0	9.6
EEC	0.0	12.6	22.0	310.9

DJIBOUTI

Djibouti, a small, resource-poor nation located at the southern end of the Red Sea, is a constitutional republic with a one-party system. It has been led by President Hassan Gouled Aptidon since it gained independence from France in 1977. By an unwritten arrangement, the President is a member of the politically dominant ethnic Somalis (Issa) while, as part of the political balancing act, the Prime Minister, chosen by the President, is from the substantial minority Afar. There is also a sizable Arab community, mainly Yemenis, who have a prominent role in commerce. Cabinet positions are divided among the two dominant groups, but in reality the Issas control the civil service and the armed forces. Presidential elections are held every 6 years, and are next scheduled for June 1987. Djibouti has a 65-member elected National Assembly. Since 1981, there has been a single political party, the Rassemblement Populaire pour le Progres (RPP). The last legitimately constituted alternative party, the Afar-inspired Mouvement Populaire Djiboutien (MPD), was outlawed in 1981 following public violence.

Djibouti's armed forces consist of a small army supplemented by an even smaller navy and air wing. Located between two relatively giant neighbors on the Horn of Africa--both of which have tribal affinities with an irredentist claim--the country has a vital, additional layer of security in the form of a 1977 mutual defense agreement with France which ensures the continued presence of close to 3,800 French troops.

Djibouti's economy rests on the activities of a large foreign expatriate community (over 10,000), the maritime and commercial activities of the Port of Djibouti, the airport, and the operation of the Addis Ababa-Djibouti railroad. Recent economic stagnation has been compounded by the continuous influx, since the Ogaden War (1977-79), of refugees, economic migrants, and victims of drought and famine from Ethiopia and Somalia. Notwithstanding the assistance of the United Nations High Commissioner for Refugees (UNHCR) and other relief agencies, these large movements of peoples clearly have placed a heavy burden on the Djiboutian economy.

There was little real change in the human rights situation in Djibouti in 1986. Despite tightening one-party rule, the openness of the society creates an atmosphere in which most citizens feel free to pursue their livelihood without fear of government interference. Free enterprise is encouraged in Djibouti's service-oriented economy, and the right of private property and freedom of movement are generally respected. The legal system is still in its formative stages. On any topic not yet covered by Djiboutian legislation, the Napoleonic Code, initiated during the French colonial period, and, to an extent, Shari'a generally applies. Women play a secondary role in public life.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There is no conclusive evidence to substantiate the occasional allegation or rumor of government-inspired political killing.

b. Disappearance

There were no allegations of disappearance of persons for political causes.

c. Torture and Cruel, Inhuman, and Degrading Treatment or Punishment

In the ethnically polarized environment of Djibouti, there are occasional allegations of cruel, inhuman, or degrading treatment or punishment. For example, Amnesty International's 1985 Report (covering 1984) mentioned one charge from 1983 and expressed concern over the alleged torture of nine persons suspected of belonging to the outlawed MPD. In 1985 and 1986, there were no substantiated cases of such injustice. However, in September 1986, a former political leader in exile, with self-avowed political aspirations, circulated such charges.

d. Arbitrary Arrest, Detention, or Exile

The current system of justice is a mixture of French and Islamic law. This mixture results in a hybrid legal system, based mainly on the French penal code and partly derived from Issa tribal common law. On March 19, 1985, the Government issued a new decree limiting detention of all persons without charge to 48 hours. Within this period, the individual must be charged by the examining magistrate. Moreover, the prisoner is entitled to legal counsel and must be so informed. Although bail and personal recognizance are provided for, a judge may choose to hold without bail any prisoner against whom charges have been filed. Prosecutors are required to, and generally do file charges expeditiously. Prison conditions are barely adequate. Family members and counsel are permitted access to prisoners, and public health and medical services supervise health conditions in a generally competent manner.

There is no forced labor in Djibouti.

e. Denial of Fair Public Trial

Both the State Security Court, established to deal with crimes against the security of the state, and ordinary civil and criminal courts permit family members and counsel, though not the general public, to attend trials. The judiciary has remained largely independent of military and executive pressures.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Decree Law No. 8 of June 1980 states that government authorities "may not enter or remain in the domicile of a private individual without his consent and without a legal order," except, among other circumstances, when it is necessary to facilitate the prosecution of persons accused of crimes and when the public order is seriously disturbed. There are occasional reports of noncompliance with this statute.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

All Djiboutian media are government owned and support the

Government and its policies. Radio/Television Djibouti (RTD) claims to receive only limited guidance from senior political levels on handling the news it presents to the public. There is occasional criticism of the shortcomings of local institutions, including some involving key political and religious figures, and of corrupt and inefficient practices in the bureaucracy, but not of the Government itself. There are occasional confiscations of foreign publications which contain commentary critical of the Government. The media usually do not carry stories which feature violence, crime, or ethnic disturbances.

b. Freedom of Peaceful Assembly and Association

Public meetings require a permit which may be denied for security reasons. The Government permits free association outside the political realm, and there are several independent social, religious, cultural, and commercial organizations.

The right of labor to organize and strike exists, but only a small portion of the work force is unionized. Moreover, the Government has organized the single national labor federation, the Union Generale de Travailleurs Djiboutiens (UGTD), and keeps it under its control and, through it, also controls the individual unions. Employees are not obliged to join any union. The unions freely maintain relations with recognized international bodies in their fields. Temporary stoppages, usually protesting working conditions or dismissals, sometimes occur. Most large enterprises have affiliates of the UGTD.

c. Freedom of Religion

Over 96 percent of the population is Muslim, but freedom of religious practice, publication, and association with coreligionists outside the country is unfettered for all religions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Djiboutians travel freely within and outside their country. Passports are generally available to all citizens. There are no currency exchange controls.

Djibouti has had a steady inflow of refugees, economic migrants, and famine victims in the past decade. In addition to approximately 16,000-18,000 refugees registered with the UNHCR, there are unknown numbers (estimates run from 2,000 to 6,000) of illegal immigrants eking out an existence on the margins of the Djiboutian economy. Most of the refugees have received assistance from the international community in the refugee camp of Dikhil. Several thousand more have spontaneously settled in the capital city. Refugees in the camps are restricted to them and are not able to move freely.

The Government has taken an increasingly firm stand in returning Ethiopians who do not qualify for refugee status. On July 29, 1986, Djibouti, Ethiopia, and the UNHCR decided to resume, as of September 1, 1986, the large-scale repatriation program halted on December 31, 1984, because of the drought. According to the UNHCR, by December 1984 a total of 32,859 Ethiopians had been repatriated to Ethiopia, of whom 14,281 had returned to Ethiopia in UNHCR-organized rail moves, and 19,578 had returned on their own. Djiboutian police caught 12

DJIBOUTI

Ethiopians in a January 1986 sweep near the Dikhil refugee camp and returned them to Ethiopia. Persons wishing to return voluntarily to Ethiopia may sign up at any one of three centers. All remaining card-carrying refugees must submit to a case-by-case reexamination of their situation, in principle by December 31, 1986.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Djibouti is a one-party state whose leaders and candidates for Parliament are chosen by the leadership of the party, the Rassemblement Populaire pour le Progres (RPP). While citizens are encouraged to become involved in politics and to vote, the party leadership, through a 14-member political bureau, carefully controls and directs all political activity and in 1982 selected the single slate of candidates for the National Assembly elections. There is thus no democratic means for citizens of Djibouti to change their government, but there is active competition within the party lists. The one-party system was instituted in 1981, and the Government subsequently detained leaders of the previous opposition party and dissidents allegedly attempting to encourage ethnic strife.

Traditionally, representatives of most if not all of the nation's ethnic groups are included in the ruling Cabinet. However, some Afars complain that the country is run by and for the Issas, who dominate the Government, the armed forces, and the single party. Others complain that tribal and ethnic considerations inhibit appointment of competent administrators.

In 1986 Aden Robleh Awaleh, an historical leader in the struggle for independence, was expelled from the party for activities considered prejudicial to the RPP. He fled the country and has since been tried and sentenced "in absentia" to life imprisonment for the bombing of RPP party headquarters in Djibouti in January and for recruiting supporters for criminal activity. In September he announced plans for the creation of an opposition party in exile.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

On at least six occasions since independence, there have been foreign press and other reports alleging human rights violations by the Government. The Government has generally responded to such charges either by denying them or by permitting an investigation, as by the UNHCR and Amnesty International in 1981. In July 1986, Djibouti became the 16th African state to ratify the Human Rights Charter of the Organization of African Unity.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Women in Djibouti enjoy a higher public status than in some other Islamic countries, but women's rights and family planning are not high priorities. There are no women in senior government or party positions. Nomadic traditions involving female genital mutilation (particularly excision and infibulation) are quite prevalent in Djibouti. The President has recognized the key role of women in the small-trade sector, and there is an active, local women's organization.

DJIBOUTI

CONDITIONS OF LABOR

The level of unemployment has been high since independence. In 1980 the International Monetary Fund reported that over 50 percent of job seekers could not find work. In 1982 unemployment was estimated at 45 percent and underemployment at 33 percent of the work force. Since 1983 several factors have exacerbated this trend: the high population growth rate, now estimated at 3.1 percent; the influx of refugees and displaced persons; and the decline in French assistance and spending. Some estimates of overall unemployment for 1986 run in excess of 70 percent.

To combat the high unemployment rate, the Government has adopted a labor policy that strongly favors the employment of nationals (expatriate labor accounts for about 20 percent of the formal sector and better paid jobs). Extensive labor regulations inherited from France (the 1952 labor code) continue to govern dismissal of employees, who may--and frequently do--seek administrative recourse against their former employers. Given Djibouti's serious unemployment problems and shortage of skilled workers, those who are fortunate enough to have jobs are paid surprisingly well. The country's average per capita income is well above that of its neighbors. Djibouti's nominal minimum wage is about $100 per month, but a carpenter or mason will earn six times as much, and a maid gets at least double. Social security, medical care, and retirement systems also exist in the formal sector. Employers normally contribute an amount equal to 18 percent of each employee's salary to the Government's generous pension and medical insurance programs. Retirement is normally at 80 percent of salary after 15 years of employment with a minimum age of 50. The legal minimum age for employment is 18, and the standard of a 40-hour workweek is observed. However, as with other African countries, the informal sector (including many young children who wash cars, sell cigarettes, and shine shoes) is flourishing.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: DJIBOUTI, DEMOCRATIC REPUBLIC OF

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	4.3	5.2	3.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	4.3	5.2	3.4
A.AID	3.0	3.7	3.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	3.0	3.7	3.4
(SEC.SUPP.ASSIST.)...	3.0	3.5	3.4
B.FOOD FOR PEACE.....	1.3	1.5	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.3	1.5	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	1.3	1.5	0.0
E.RELIEF,EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	1.3	1.5	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	2.1	2.6	2.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.1	2.6	2.0
A.MAP GRANTS.....	2.0	2.5	1.9
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.1	0.1	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	6.4	7.8	5.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	6.4	7.8	5.4
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	6.0	12.7	0.0	46.3
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	6.0	10.0	0.0	25.4
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	2.5	0.0	15.3
UNDP	0.0	0.0	0.0	4.8
OTHER-UN	0.0	0.2	0.0	0.8
EEC	0.0	0.0	0.0	0.0

EQUATORIAL GUINEA

Equatorial Guinea is a former Spanish colony in central Africa composed of a continental province (Rio Muni) and the island provinces (Bioko and Annobon). It has a population of 300,000. The capital, Malabo, is on Bioko. The current regime, under President Teodoro Obiang Nguema, took power as a military government in the 1979 coup which overthrew President Macias and ended his 11-year state-sanctioned policy of terror. A national Constitution was adopted in 1982, national and local assemblies chosen, and the military government declared itself a civilian government. During 1986 the Government enacted a law mandating the creation of a single political party. Only party members may hold public office, and the party controls the selection of all candidates.

The economy based on cocoa, lumber, and coffee was devastated by the Macias years and the death or exodus of thousands of trained and educated citizens. The economy remains extremely fragile, despite substantial foreign aid and attempts at reform, which include entrance into the West African Franc Zone, debt rescheduling, and efforts to attract much needed foreign investment, especially from France. Annual per capita income is only $100-$200.

The human rights situation detericrated in 1986 amid reports of citizen harassment by poorly paid police, of discrimination against minority groups and migrant workers, of the use of forced labor, and of the suppression of several religious groups. The Government arrested and detained over 100 persons following a coup attempt in July, and subsequently it tried 15 persons under the jurisdiction of a military tribunal in circumstances which raised doubts whether the trial met accepted international standards. There were allegations, yet unconfirmed, that some coup detainees were held incommunicado. There were three confirmed cases of torture.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reported incidents of political killing.

b. Disappearance

There were no known disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were three confirmed cases of torture by police after the attempted coup in July. In at least one case, the prisoner, later absolved of complicity in the coup, suffered severe injury to his arms and ankles.

Police methods are harsh and often include beatings of prisoners either to extract information or to punish offenders for insolence or disrespect. The Government appears little inclined to curb such abuses. Arbitrary police beatings of politically powerless people, such as expatriate Nigerian and Cameroonian workers and members of Bubi and certain other indigenous tribes, continued in 1986.

EQUATORIAL GUINEA

Mistreatment of prisoners is officially condemned but in fact is tolerated. Prisoners are dependent on their families for food. Prison conditions are unhealthy. As some cells contain a toilet and nothing else, prisoners are often forced to sleep and sit on the floor. Occasionally, prisoners are not even permitted exercise. Others are taken out to work on private plantations.

d. Arbitrary Arrest, Detention, or Exile

Despite constitutional provisions, there is no enforcement of the right of a person in detention to be charged or released within a certain period of time, to have access to a lawyer, or to be freed on bail. Arbitrary arrests by security forces or police are commonplace, usually on trumped up charges to extort money. There were also incidents of house arrests of Jehovah's Witnesses during 1986, with no charges being filed and no reasons given for the arrests.

There were no known instances of any person being exiled in 1986. The Government continued to round up so-called vagrants, illegal aliens, and ordinary citizens and put them to work. These roundups are a means of obtaining free labor and are often linked to preparation for important national days, the arrival of visiting dignitaries, and seasonal needs on the plantations of important government officials. There were reports that members of the Jehovah's Witnesses sect were forced by government officials to do manual labor for several weeks although they were never charged with nor convicted of any offense.

e. Denial of Fair Public Trial

The exact number of political prisoners is unknown but is believed to be small. The Government does not admit to holding any political prisoners. There continues to be no information available on the fate of 26 persons tried on charges stemming from a coup attempt in 1983. According to Amnesty International, the 26 defendants did not receive fair trials. The Government reports that the majority of the accused received sentences varying from 5 to 10 years.

The Ministry of Justice has made little progress in establishing a fully functional legal system, and the executive branch has been able to act without any fear of judicial interference. The Supreme Court justices serve at the pleasure of the President, who replaced all but one justice early in 1986. Of 12 Supreme Court positions, only 4 have ever been filled at the same time. The tribunal provided for in the Constitution to decide constitutional issues has never been established.

The current court system, which often uses local customary law, is a combination of traditional, civil, and military justice, and operates in an ad hoc manner for lack of established procedures and experienced judicial personnel. Equatorial Guinea's estimated 15 lawyers work for the Government and consequently are unable to challenge government actions effectively.

It is not known how frequently people are denied trials since many detainees deal directly with the arresting authorities and resort to bribes to gain their freedom. Most trials are

brief. In cases of petty theft or civil disputes, all parties are brought before a judge for trial. In civil and criminal cases, the judge often levies a fine in lieu of imprisonment. In cases involving senior officials, exclusion from public office and confinement to traditional villages are common means of punishment.

The major court case of 1986 was the public 2-day trial of 15 individuals accused of plotting the overthrow of the Government. The case was tried by a military tribunal instead of a civilian court, and the proceedings were broadcast on state radio and television. The defendants were represented by government-employed counsel. The military tribunal sentenced 1 defendant to death, 4 to long prison terms (18-20 years), 6 to terms of 2 years, and 4 were stripped of government positions and set free. The single death sentence was carried out on the day of the verdict.

The actual charges against the defendants ranged from violating three sections of the Constitution to violating a particular section of the Military Penal Code. The constitutional provisions speak generally of citizens' obligations and are not criminal statutes. In addition, it was not clear how the military penal code applied to the civilian defendants. The speed of the judicial process, the questionable legal basis of the charges brought, the doubtful jurisdiction of a military tribunal, the lack of independent counsel, and the absence of appeal procedures raised serious questions whether the defendants received due process.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There were reports of arbitrary interference with privacy, but not with correspondence. There is a general suspicion that telephone conversations are routinely monitored. Search warrants are not usually used, even though they are provided for in the Constitution. There is no forced resettlement of population, and no interference with the right to marry or have children.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Open criticism of the Government is not permitted. The making of statements critical of the President and of the state of the economy were among the charges brought against four senior government defendants in the July 1986 coup attempt trial.

What media exist in Equatorial Guinea are government owned and operated. The single newspaper is in fact a government bulletin. The officially controlled media do not criticize the Government. The radio and television stations transmit official government notices and imported entertainment, sports, and religious programs. There are no prohibitions on receiving foreign publications or periodicals, but for economic reasons there are no such publications for sale anywhere in the country. It is doubtful that the Government would permit the sale or distribution of publications openly critical of its conduct. School libraries require government permission to add even donated books to their libraries.

b. Freedom of Peaceful Assembly and Association

Citizens are not free to associate publicly with others to discuss political or economic matters, notwithstanding constitutional guarantees to the contrary. The Government does not permit opposition organizations. Political rallies or unsanctioned assemblies are not tolerated. Private nonpolitical groups, such as professional organizations and sports groups, are generally licensed by the Government.

There are no labor unions, and there have been no attempts to organize workers. It is widely recognized that the Government would not permit a union to organize, especially in the cocoa, lumber, and coffee sectors which constitute the main economic resources, or even among government workers. There is no significant industry in Equatorial Guinea.

c. Freedom of Religion

Until late in 1985, there had been complete freedom of religion. In December 1985, the Jehovah's Witnesses and several small Pentecostal groups were banned, and their churches and meeting houses closed without explanation. In 1986 some of their members were subject to house arrest, harassed and, according to some reports, forced to do manual labor despite neither having been convicted nor charged with any crime. Missionaries of several faiths are still active and have government permission for their activities, including proselytizing.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no explicit restrictions on travel within the country, but anyone found without a job in any part of the country except his own town or village is subject to a period of forced labor and obligatory return to his place of origin. Exit visas are required for travel abroad. There were no reports of any new Guinean refugees in 1986, but a large number of refugees from the former regime continue to reside in Spain, France, Cameroon, and Gabon. Many of them voice fears of repression from the current Government if they return. However, the poor state of the economy is probably the main reason many remain abroad. The Government has repeatedly proclaimed that returnees need not fear persecution but can engage in political activities only within the government-sanctioned system.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have only a hypothetical right to change their government by democratic means. President Obiang took power in 1979 in a military coup that toppled the Macias regime, and he used the 1982 plebiscite, which involved only approval or disapproval of the Constitution, to declared himself President. He will face reelection in 1989 under the present 7-year term established by the Constitution.

Under the Constitution, a partially elected, partially appointed National Assembly was chosen. While the Assembly includes members of minority groups, and the Assembly is theoretically the legislative branch of government, it is

powerless to take any action not sanctioned by the President or his Council of Ministers, members of which can be appointed and dismissed by the President. The President has the power to suspend virtually all rights guaranteed by the Constitution when a threat to national security or national emergency exists, and the President himself decides when such a threat or national emergency exists.

In 1986 the Government enacted a law providing for a single political party, but at the end of the year there had been no action to organize such a party.

Section 4 Government Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has denounced and, in relative terms, has reversed the savagery of the previous regime. It is willing to discuss human rights issues with international organizations. A U.N. human rights team visited Equatorial Guinea in January 1986, but their report has not yet been released. There are no human rights groups in Equatorial Guinea.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The law states that both sexes and all tribal groups are equal and entitled to the same rights and privileges. The Fang tribe comprises more than 70 percent of the population and dominates life in Equatorial Guinea, including in the allocation of top government positions. The Bubi tribe comprises a small percentage of the population but has historically been the majority on the island of Bioko, where the capital is located. Despite National Assembly elections in 1983 which returned a proportionate number of Bubi delegates, they have little effective political voice in government. Other tribal groups, such as Playeros, Fernandinos, and even less-favored Fang subgroups are similarly discriminated against in opportunities for economic and social advancement.

For a variety of reasons, some historical and cultural, and others economic, women are accorded a lower status than men and have a correspondingly lower status and influence in the society and government. Social tradition, and the fact that women produce most of the basic staple food items, keep most women engaged in agricultural or domestic work. Many times more males than females enter secondary school and a higher proportion of the graduates are male. Women play only a minor role in politics. The three highest positions held by women are a mayorship and the positions of Vice Minister of Labor and Vice Minister of Health.

CONDITIONS OF LABOR

Most salaried employment is with the Government. Salaries, when paid, are insufficient for ensuring a decent living, and many thus must take second jobs. Equatorial Guinea has a statutory minimum wage of roughly $34 monthly. Government working conditions are well within a maximum 48 hour workweek, with a full rest day and holidays. There is no effective monitoring of work hours and labor conditions outside of the Government. Minimum age for employment is 16, but there is no enforcement of this law outside the cities, and children of various ages work as necessary to help support their families.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: EQUATORIAL GUINEA, REPUBLIC OF

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	1.9	1.8	1.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.9	1.8	1.1
A.AID	1.0	1.4	1.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.0	1.4	1.1
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.9	0.4	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.9	0.4	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.9	0.4	0.0
E.RELIEF.EC.DEV & WFP.	0.9	0.4	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.1	0.1	1.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.1	1.1
A.MAP GRANTS.....	0.0	0.0	1.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.1	0.1	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	2.0	1.9	2.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.0	1.9	2.2
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	7.3	23.2	6.0	59.9
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	6.0	9.3	6.0	23.7
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.1	13.7	0.0	27.1
UNDP	0.8	0.2	0.0	9.7
OTHER-UN	0.4	0.0	0.0	0.4
EEC	0.0	0.0	0.0	0.0

ETHIOPIA

Ethiopia is ruled by Chairman Mengistu Haile-Mariam who exercises absolute power over the majority of Ethiopians. The ability of the Mengistu regime to maintain itself in power is based on the conviction of most Ethiopians that it is prepared to take whatever steps are necessary to continue in power. Chairman Mengistu holds the top post of general secretary in the Workers Party of Ethiopia, established September 6, 1984. The stated goal of the party is to transform the country into a Marxist-Leninist state.

Ethiopia deploys the largest standing army in Africa south of the Sahara, numbering over 250,000 soldiers. It uses this power to pursue military solutions to the armed insurgencies of varying intensities directed against the Government. Ethiopia also supports rebel movements fighting against its neighbors, Sudan and Somalia, in retaliation for their alleged support of Ethiopia's internal opponents. The Government has an extensive security apparatus which uses a comprehensive system of surveillance and informers to strengthen its control over the population.

The economy is currently suffering not only from the aftereffects of the drought and civil strife (military expenditures take 25 percent of the budget) but also from ideological constraints, notably in the Government's efforts to impose upon a nation of small, independent farmers a system of collectivized and state farms.

Ethiopia's record on human rights remains deplorable. Ethiopians have no civil or political freedoms and no institutions or laws to protect their human rights. Over 1 million Ethiopians have fled the country, many preferring life in refugee camps. The Provisional Military Government of Socialist Ethiopia (PMGSE) dominates the media, labor, education, internal and external movements of Ethiopian citizens, and all political processes in government-controlled parts of the country. The Government expects to hold a national referendum in the near future on a constitution based on Soviet and Romanian models. This constitution will provide the legal basis for guarantees of human rights, but it is not expected to alter the human rights practices of the present regime. In recent years, the Government has forcibly moved hundreds of thousands of Ethiopians, in part to improve its control over them. Although the Government temporarily suspended its program of forcibly resettling massive numbers of northern highland peasants into lowland areas of the country, a much larger nationwide program involving the grouping of farmers in new villages accelerated in 1986. Also in 1986, both government forces and members of various rebel movements committed atrocities against prisoners and civilian populations.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were reliable reports in 1986 of the execution of approximately 60 political prisoners in October 1985. None of the executed is known to have been granted a trial, much less an appeal, and the Government has never acknowledged the

executions nor attempted to justify them. Among those believed executed was Dejazmatch Asegahgen Araya Hailu, accused by the Ethiopian Government of being a "ringleader" of an opposition political group, and 1 of 18 persons detained since December 1983 for "distributing antirevolutionary pamphlets." There is uncertainty regarding the fate of the rest of these detainees, although another, Dr. Mengasha Gebre-Hiwut, is believed to have died under torture in 1985 at the infamous "Third Police Station" in Addis Ababa.

In insurgent areas, political killings by both government forces and contending factions continued. Guerrilla forces used assassination, sniping, and the mining of roadways as tactics against the Government, while the Government continued to execute captured combatants and to bomb civilian population centers. Both government and rebel forces are believed to have destroyed crops and homes in their opponents' areas.

On March 8, 1986, members of the Tigrean Peoples' Liberation Front (TPLF) entered a relief feeding center and clinic and shot and killed two civilian Ethiopian relief workers, one a nurse who was allowed to bleed slowly to death under the gaze of her assailants. The two victims were employed by the World Vision Relief Organization.

b. Disappearance

The most notable disappearance in 1986 was that of the Ethiopian Permanent Representative to the United Nations and Ambassador to Canada in April. No charges are known to have been filed against him, and his whereabouts have not been officially announced by the Government. He is believed to be in a prison in Addis Ababa. Amnesty International continues to express concern for 15 persons who disappeared in 1979 and who are presumed dead, including the Patriarch of the Ethiopian Orthodox Church.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Methods of torture, including severe beatings, crushing of bones of the hand, and the use of electric shocks, although technically illegal, are practiced by Ethiopian officials in cases involving insurgent combatants and those believed to be engaged in political activities against the Government. Amnesty International states that reports indicate torture is often practiced on Ethiopian prisoners interrogated at the Central Revolutionary Investigation Department ("Third Police Station") in the capital and is routinely used in other parts of the country to interrogate prisoners about opposition organizations.

On February 8, 1986, the TPLF stormed the main prison in Makelle, the capital of Tigray Province, releasing hundreds of prisoners who provided fresh examples of torture employed by the Ethiopian Government. Interviews by the International Federation of Human Rights of 121 of those released documented repeated cases of beatings of prisoners while either bound and/or suspended from a ceiling and of forced immersion in hot or dirty water, sometimes upside down. Certain low-level officials who arbitrarily held prisoners without charge, however, were themselves imprisoned for false arrest and torture in 1985 and 1986.

ETHIOPIA

d. Arbitrary Arrest, Detention, or Exile

Ethiopians suspected of antigovernment actions or sentiments are subject to arrest or detention by the security police without charge or judicial review. Remarks considered critical or derisive of the Government, failure to attend mandatory political or kebele (urban neighborhood associations) meetings, and suspicion of association or sympathy with organizations opposed to the Government are common reasons for arbitrary arrest and detention. In most cases, political detainees are held incommunicado, at least initially, and sometimes for the length of their term of incarceration. The term of confinement for a suspect held without legal charge is subject to the whim of the detaining official or agent. Prisoners have been held without charge for periods of up to 9 years.

In politically sensitive arrests, the Government generally prefers to operate in secret, taking the suspect from home at night. However, arbitrary arrest is not limited to the politically suspect. Even people with no record of political activity or political affiliations have been arrested and detained for months or longer without explanation.

In common civil and criminal cases (but not political cases brought before the "special court" created after the 1974 revolution), lawyers are sometimes permitted to appeal informally to government authorities, not judges, to know the charges against a client and to have a detainee released if no charges have been filed.

In May 1986, over 700 prisoners were amnestied from prisons in Addis Ababa. Throughout the year, additional small groups of prisoners were released from time to time.

Amnesty International and others continue to press for the release of the 10 remaining members of the royal family detained since the revolution, all held without charge.

e. Denial of Fair Public Trial

There is no discernible separation between the executive branch and the judiciary. Courts are subject to political control and are responsive to the requests and directions of Ethiopia's leadership. Ordinary criminal and civil cases are generally based upon the submission of evidence in a public setting. Minor cases are tried at the kebele level, while more serious criminal accusations are tried in courts where the accused has access to court-appointed lawyers. Members of Ethiopia's substantial Muslim population may elect to present their civil case to a traditional Shari'a court, if both parties agree.

Ethiopian political detainees generally do not receive trials, public or otherwise. No guarantee of a public trial with counsel exists in such cases, nor is the accused permitted to present witnesses or evidence in his or her defense. Political trials are almost always held in secret with only the verdict (if even that) publicly announced. Those cleared of charges or whose terms have been completed are not always promptly released from prisons.

There are conflicting reports about the current number of political prisoners. If the total includes those taken

prisoner as a result of ethnic insurgencies, it could well number in the thousands. Amnesty International believes several thousand were still being held at the beginning of 1986.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Warrants are not required for entry into or search of offices or private homes. As a result, forced entry is commonly used by the police and security forces, particularly during military call-ups, although the level of this activity is currently much lower than during the "Red Terror" period of 1977-78. However, surveillance of individuals, both visual or through use of listening devices, has increased and continues with no legal restraints.

All mail is subject to monitoring by the Government. Ethiopian citizens can be called in at any time for questioning by authorities and for mandatory kebele meetings, political rallies, or marches. Refusal to appear for any of the above may result in imprisonment without hearing. Every urban Ethiopian lives under the watchful eyes of local kebele association officials. These officials monitor visitors received, items brought in and out of houses, any meetings, and adherence to local curfews.

In November 1984, the Government began a massive and forced resettlement of famine victims, especially from the northern regions to western parts of the country. To date this program has involved the forcible removal, transport, and resettlement of over 500,000 persons, and eventual resettlement of up to 1 million more is projected. The program, as conducted in 1984-85, was rife with abuses, including the wholesale separation of families and inhumane conditions of transport to resettlement sites up to 700 kilometers distant. Following an international outcry, the resettlement program was suspended in December 1985. Efforts were made to improve the conditions in the resettlement areas, but people already moved were not officially permitted to return to their homes, although some have left on their own. Several thousand reportedly attempted to flee towards Sudan. Suffering from hunger, exposure, and attacks by Sudanese rebels, fewer than a thousand reached Sudanese relief centers. The Ethiopian Government has publicly stated its intention to resume the program on a "voluntary" basis in the near future.

One tragic byproduct of both drought and resettlement is the "unaccompanied children/orphan" problem. According to conservative estimates, there are as many as 10,000 unaccompanied children in relief areas alone, with an additional (and presumably sizable) number of unaccompanied children in the resettlement areas. By any accounting, many of these children are "orphaned," that is, separated from living family members because of the way the resettlement program was implemented. While there have been small-scale efforts at family reunification in several regions by both government and private voluntary organizations, the Government has not yet undertaken a countrywide project to reunite those children who are not true orphans, with either immediate or extended family members. Moreover, despite several offers by the International Committee of the Red Cross (ICRC) to embark on a family reunification program in resettlement areas, the Government has not yet accepted the ICRC proposal.

ETHIOPIA

A much larger program of collecting scattered peasants into artificial and sometimes crowded villages continued in 1986. According to government figures, 4,587,187 Ethiopians have, as of November 1986, been forced into such villages. Peasants cannot avoid participating in the program, and so far almost everyone living in "villagized" areas has moved to the new villages. At least one group of "villagized" peasants has reported that they were told that their huts would be burned down by party officials if they refused to move to the new site. The Government has devoted very few resources to this large program, so peasants must dismantle their own houses, transport them to the government-selected village site, and reassemble them. Promised social services such as schools, new roads, or clinics, though promised, are rare.

Approximately 30,000 additional Ethiopians appeared in refugee camps in Somalia during 1986, most claiming to have fled the villagization program. Their allegations of violent coercion, religious persecution, rape, and crop burning associated with the program in the Harerge region have not been substantiated despite extensive investigations in the area by representatives of foreign governments and international and private relief organizations.

Section 2 Respect for Civil Liberties, including:

a. Freedom of Speech and Press

There is no freedom of speech or press in Ethiopia. The Government owns and operates all information media and exercises censorship through editorial boards and the Ministry of Information. Expression of unauthorized political opinions or of views at variance with the official government line can result in imprisonment. Political, economic, and social policies in Ethiopia are formulated at top levels of government, then disseminated and monitored through the government-controlled media and government-organized citizen groups, i.e., women, youth, worker, and professional associations, kebeles, and military commissariats.

The Government closely monitors the pronouncements of public officials, academics, and clergy. Some instructors and professors in secondary schools and at the university have resisted the politicization of education. Academic freedom, although circumscribed, especially in the political and social sciences, still finds expression at the university. Private secondary schools, where affluent Ethiopians can send their children, are mostly free of political orientation. Many Ethiopians, including government officials, seek to send their children abroad for education.

Books and magazines can be confiscated if deemed to contain sentiments opposed to the revolution. For example, the August 4, 1986, issue of Time magazine, which contained a lengthy article on Ethiopia as well as verbatim excerpts from an interview with Chairman Mengistu, was confiscated by government censors. Foreign magazines and newspapers are not readily available since foreign exchange is not granted to purchase them. Foreign radio broadcasts are widely listened to in Ethiopia. There is no evidence of overt attempts by the Government to interfere with radio reception.

During 1986 the government-owned television, radio, and newspapers significantly increased their use of American and

Western European "soft" news, features, and entertainment products in an effort to improve the quality of their programing and to make it more appealing to the public. "Hard" news, however, continues to come almost exclusively from official Ethiopian and Soviet/Eastern European sources.

b. Freedom of Peaceful Assembly and Association

Assembly of any sort not previously approved by the Government is strictly forbidden under penalty of arrest. In contrast, attendance at government-sponsored rallies, meetings, and parades is mandatory and enforceable by arrest and detention. Ethiopians, traditionally cautious in their associations with one another and with foreigners, have become even more so under the present regime. There is a pervasive system of informers and surveillance. Frequent or close association with foreigners can result in questioning, arrest, and detention. Professional associations such as the Rotary and Lions Clubs are allowed to operate, though their membership and activities presumably are monitored by the Government.

Trade and professional associations were reorganized in 1986 by order of the Workers Party of Ethiopia. New boards were selected for these groups from members approved by the party.

Workers are not permitted to organize independently in Ethiopia, and labor/management negotiations are strictly controlled. Collective bargaining does not exist. Strikes and slowdowns are forbidden. The only labor organization allowed to operate is the government-controlled All-Ethiopia Trade Union (AETU). The AETU, one of Ethiopia's mass organizations, is a political group used by the Government to implement its policies, expand party control within the workplace, and prevent work stoppages. Many of AETU's top leaders have been trained in Eastern Europe, and the organization has close ties to Soviet and Eastern European labor organizations. The 1985 report of the International Labor Organization (ILO) committee of experts criticized the mandatory, single trade union structure in Ethiopia and repeated its request that freedom of association be granted to rural workers and public servants.

c. Freedom of Religion

With the overthrow of the Haile Selassie regime, the Ethiopian Orthodox Church lost its favored position, along with its lands and most of its property. The Government allows the Orthodox Church and the Muslim religion (each claims about 50 percent of Ethiopia's population) freedom of worship and proselytism. However, the Orthodox Church has government-appointed officials within its administration to ensure its conformity with party policies. Party members are legally prohibited from worshiping, but this ban is not enforced.

Orthodox and Muslim holidays are recognized by the government, and officials of both religions are allowed to exercise jurisdiction over civil matters such as marriage. There is, however, a continuing effort to deemphasize the presence and importance of religion in Ethiopian life, e.g., references to any deity are expunged from dialog in television programs and movies and are forbidden in government statements or publications. Nevertheless, in recent years there has been a notable resurgence in religious observances and church

attendance, deemed by most observers to be a popular response to the regime's efforts to curb religion.

Other religions, particularly foreign Protestant Evangelical organizations, have found their activities sharply curtailed by the Government, through the closure of churches, the seizure and nationalization of property and facilities, and harassment and surveillance. At least one organization's congregation, its leader imprisoned since 1977, now assembles in secret "safe areas" for worship and other church-related meetings. The Government gives permits to foreign missionaries to enter and work in Ethiopia in limited numbers, although ostensibly as development specialists, not as missionaries.

Members of many of Ethiopia's Evangelical churches were released from prison in 1986. A general trend of greater tolerance by government officials at the central and local levels continued during the year, although there were exceptions. Several persons at a Protestant wedding ceremony, including the groom, were arrested, reportedly for assembling without a permit. The Jehovah's Witnesses church remains totally banned.

Ethiopia's small Jewish community (the Falashas) live in areas of insurgency (Tigre, Gondar). Stories of "genocidal" actions by Ethiopian authorities or of highly brutal behavior toward Ethiopian Jews have not been substantiated by American visitors to these areas. Jews do suffer some degree of economic discrimination. The many craftsmen are not allowed to sell their wares themselves in local cities, and tourists are only infrequently permitted to visit a few of their villages. As in the rest of Ethiopia, visitors are required to get permission to visit these villages. Large numbers of Ethiopian Jews have surreptitiously left the country in recent years. The Government has attempted to block this exodus as part of its overall antiemigration policy.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

Restrictions on freedom of travel within Ethiopia exist as a result of the insurgencies (several areas, mainly in the northern administrative zones, are closed to travel for security reasons). Moreover, permission is required for Ethiopian citizens to change their places of residence, and persons considered politically suspect can be forbidden to travel outside their home areas.

Travel abroad by Ethiopians is closely controlled. A passport application can be denied for failure to attend the mandatory Sunday morning political meeting or to "volunteer" for kebele work activities. In 1986 the Ethiopian Government appeared to be more liberal in granting passports and exit visas to its citizens--applications for visas to visit the United States were up by 40 percent.

Emigration is highly restricted, except in special circumstances such as marriage to or adoption by a foreign national. Some emigration has been allowed on the basis of family reunification. Leaving Ethiopia without authorization is a serious offense punishable by 5 to 25 years' imprisonment or, in exceptional cases, reportedly by death. Nonetheless considerable illegal emigration occurs either under the

subterfuge of travel abroad for business or to visit relatives or by arduous treks overland and surreptitious crossing of borders.

The Government recognizes the right of voluntary repatriation, and its proclamation of mass amnesty for Ethiopians living abroad (numbering more than 1 million) remains in effect. The government does not participate in forcibly repatriating refugees from other countries. There are approximately 180,000 Sudanese resident in Ethiopia, some genuine refugees, some armed Sudanese dissidents, while others are persons displaced by drought and insurgency in southern Sudan.

Foreigners in Ethiopia, always required to obtain a travel permit for internal travel, found that permission occasionally denied in 1986. Representatives of the United Nations and of foreign assistance programs and embassies who had been allowed to travel freely in connection with emergency assistance programs over the past 2 years found restrictions being placed on such travel as the emergency subsided in late 1986.

Most of the Ethiopians displaced by the drought/famine returned from Sudan before or during 1986. There is no evidence that they were mistreated or discriminated against upon their return. Also, from 1983 to 1986, 400,000 Ethiopians spontaneously returned to Ethiopia from Somalia, according to the United Nations High Commissioner for Refugees. Approximately 32,000 refugees have returned from Djibouti as of the end of 1986.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Ethiopian citizens have no legal right or peaceful means to change their Government. All power to determine policy in Ethiopia resides in the upper echelons of government, led by Chairman Mengistu and shared less each year by a small group of associates, mostly former military officers. Political and economic policies are dictated to the population. The Provisional Military Government of Socialist Ethiopia invariably claims to be speaking on behalf of all the Ethiopian people. The Workers' Party of Ethiopia (WPE) purports to offer Ethiopian citizens a means of participation in government, but its real role is to ensure that all government ministries, mass organizations, and nationalized businesses adhere to Marxist-Leninist principles. The WPE, like its Soviet counterpart, is a rather exclusive group--not everyone can join. Some, such as higher-level government officials, are required to join if they want to keep their jobs. Kebeles, the primary party/government control mechanisms at the local level, control housing allocation, basic food rationing, political indoctrination, and implement other government policies, such as registering and selecting youths for national military service.

The highest government echelons are no longer dominated by the Amhara ethnic group but include many Oromos and a few Eritreans and Tigreans. Almost all senior government and political figures are of Christian origin although the population is approximately 50 percent Muslim. Women are poorly represented at the top echelons of government. Only one woman, a vice minister, holds a senior position.

ETHIOPIA

Ethiopia's new constitution, which is scheduled to be voted on in a referendum in early 1987, would provide for the creation of a People's Democratic Republic of Ethiopia and representation by "nationality" or ethnic group in national and regional parliaments. The extent of autonomy, if any, that actually will be permitted groups such as the Eritreans, Tigreans, Somalis, and Oromos is not clear. Until the key issue of how the central government relates with its many nationalities is resolved to the satisfaction of ethnic minorities, antigovernment insurgencies can be expected to continue.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There is no governmental or private body to investigate alleged human rights violations. The government resists attempts by international and nongovernmental organizations to investigate such cases. Representatives of the International Committee of the Red Cross (ICRC) in Addis Ababa are not allowed to visit political prisoners but are allowed to visit prisoners of war from the 1977-78 war with Somalia. The ICRC, however, does not have access to prisoners taken in fighting with insurgent groups or to prisoners held by Ethiopian-backed rebel groups opposing the governments of Sudan and Somalia.

In March 1986, the United States, introduced a resolution at the annual meeting of the United Nations Human Rights Commission calling for monitoring the widespread reports of abuses associated with Ethiopia's resettlement program. Ethiopia vigorously opposed this proposal which was not brought to a debate or vote, despite the support of the Western countries for a vote on the substance of the restriction.

Ethiopia is not a signatory to any of the U.N. human rights documents nor the Organization of African Unity's Charter of Human and Peoples' Rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Various U.N. studies indicate Ethiopian women are subject to many disadvantages, encountering, inter alia, cultural and traditional biases, marriages imposed at a very young age, hard and time-consuming labor, and inadequate employment opportunities and decent wages in urban areas. Village leadership is invariably male, and all clergy are male. However, women in the central Ethiopian cultures (Oromo, Amhara, Eritrea, and Tigre) enjoy economic rights equal to those of men. They may inherit, sell, or buy property and engage in business. Women have a subservient status within the home, and child marriages remain common in some rural areas despite opposition by the Government. Female circumcision is widely practiced among Ethiopian Orthodox families and is less common with some other groups, although the Government has stated its opposition to this practice. The Revolutionary Ethiopian Women's Association, a mass organization created in 1980, has the proclaimed goal of improving the status of women.

ETHIOPIA

CONDITIONS OF LABOR

The minimum age of 14 for nonfarm labor seems to be respected. The maximum legal workweek of 48 hours is generally respected in practice. "Voluntary" work campaigns at places of employment are common. Workers "volunteer" to work extra hours and weekends so that factory or office quotas can be achieved but receive no pay for these hours. Although the right of workers to an annual vacation is guaranteed by law, in practice government workers are usually allowed little time off. Employers in private industry, however, are obliged by the Government to respect this law. Health and safety codes for the workplace are rudimentary and remain unenforced. Absenteeism is very high despite punishments, including beatings, in an attempt to curtail it.

The minimum wage in Ethiopia remains about $24 per month. Additional allowances effectively raise the minimum wage of a full-time employee to about $34. Day laborers in the agricultural sector receive almost $1 per day plus some payment in kind (shelter or a meal, for example). Day laborers in the urban areas receive almost $1.50 per day plus transportation to and from the workplace. The minimum wage is currently under review; a new rate may be established next year.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ETHIOPIA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	9.8	87.4	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	9.8	87.4	0.0
A.AID	0.0	0.5	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.5	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	9.8	86.9	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	9.8	86.9	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	9.8	86.9	0.0
E.RELIEF.EC.DEV & MFP.	1.9	14.4	0.0
VOL.RELIEF AGENCY.....	7.9	72.5	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	9.8	87.4	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	9.8	87.4	0.0
OTHER US LOANS.....	3.3	0.0	0.0
EX-IM BANK LOANS.....	3.3	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	169.3	211.4	67.5	1397.9
IBRD	0.0	0.0	0.0	108.6
IFC	0.0	0.0	0.0	15.5
IDA	105.0	166.0	67.5	838.6
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	39.8	39.5	0.0	226.7
UNDP	24.5	5.9	0.0	131.4
OTHER-UN	0.0	0.0	0.0	77.1
EEC	0.0	0.0	0.0	0.0

GABON

Gabon has a single-party political system in which effective political power is concentrated in the presidency. That office has been held since 1967 by President Omar Bongo, who is also head of the party. A March 1983 amendment to the party constitution restricts candidacy in future presidential elections to the "Secretary General-Founder of the Democratic Party of Gabon," thus reserving presidential candidacy for President Bongo. He was reelected President on November 9, 1986. In practice, presidential power is limited by the complexity of the governmental structure and the diffusion of power through 60 cabinet-level officials led by a Prime Minister. A 120-member National Assembly is elected from slates chosen by the single party and meets regularly, but it has little real power.

Although still a developing country, Gabon has one of the highest per capita incomes ($3,400 in 1986) in sub-Saharan Africa due to its significant petroleum and mineral resources and its small population. While income distribution is skewed in favor of the modern urban sector as opposed to the traditional, agricultural sector, most Gabonese have benefited in some measure from the country's strong economy. Nevertheless, the drop in world oil prices beginning in late 1985 has led to a sharp contraction in the economy which will likely continue in 1987, and the country's 140,000 immigrant workers have been accused of taking jobs from the local work force. In general, economic performance has benefited from longstanding government policies supporting private enterprise and encouraging foreign investment.

The country's 1961 Constitution guarantees protection of the individual and respect for the integrity of the person, and, with isolated exceptions, these rights are respected in practice. Political rights, however, are not guaranteed under the Constitution, and active political opposition to the sole legal party is not permitted. Public criticism of particular government actions and policies is allowed and occurs with some regularity within the context of the single party, although direct attacks on the President are prohibited. There is no evidence of systematic police or other repression of the population. Gabon released the last of its political prisoners in 1985.

On January 21, 1986, Gabon signed the 1984 United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. On June 26, 1986, Gabon completed the process of signing, ratifying, and publishing adherence to the Organization of African Unity's Human Rights Charter.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no known political killings or summary executions.

b. Disappearance

There were no known cases of abductions or hostage-taking by government or any other groups. The authorities are sometimes slow to advise the families of accused criminals or detainees

who are arrested, but there has been no evidence of attempts to suppress news of an arrest.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

In past years the political opposition group, the Movement for National Recovery (MORENA), based in Paris, alleged that several people detained in the Libreville prison on political charges were mistreated or kept in degrading conditions. However, family members reported no serious mistreatment, and these allegations were not repeated in 1986. Police are believed to be rough but not brutal in their treatment of suspected criminals. Prison conditions are harsh.

d. Arbitrary Arrest, Detention, or Exile

In Gabon, "acts against the security of the state" and "actions against the Chief of State," which can include advocating a multiparty system, are punishable crimes. There were no reports in 1986 of detention without trial of persons accused of violations of criminal law. Gabonese law, amended in September 1983 and ratified by the National Assembly early in 1984, provides guarantees against arbitrary detention according to clearly articulated judicial procedure which is observed in practice. Previously, there were no legal protections against arbitrary detention.

Forced labor is not used as a means of political coercion or racial or social discrimination. Some prison sentences for serious crimes include hard labor as part of the sentence during incarceration.

e. Denial of Fair Public Trial

The legal system, based upon French law, customary law, and the 1961 Constitution, gives the President a powerful role and functions fairly effectively. The right to a fair public trial is guaranteed by the Constitution and has generally been respected in practice in criminal cases. In security/political cases, however, there has been more controversy and inconsistency. A 1982 trial of 29 alleged members of MORENA took place in public with representatives of the international press and Amnesty International present, while a 1983 trial of 4 political dissidents took place in secret. The charges leveled against the accused were basically the same in both cases, namely, printing and distributing antigovernment tracts and encouraging the Government of France to use its influence in Gabon to bring about a multiparty political system. No known political prisoners are currently being held. All those convicted in the 1982 trial were granted full pardons by President Bongo on June 19, 1986.

The Gabonese court system is modeled on the French judicial system. Trial courts hear questions of fact and law in civil, commercial, social, criminal, and administrative cases. A second level of appeals courts is divided into two general appellate courts, with a separate appeals court for criminal cases. Gabon's highest judicial body, the Supreme Court, is divided into four chambers. There are also three exceptional courts: a military tribunal which handles all military offenses, a state security court, and a special criminal court which deals with fraud and embezzlement of public funds by officials.

The judiciary is implicitly susceptible to executive influence, since Gabon's Constitution gives the President the authority to appoint, transfer, and dismiss judicial officials.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The various police and security units monitor alleged dissident political activity, including dissident telephone conversations, but interference in the daily life of the populace is relatively rare.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There are limits on these rights in Gabon. No direct public criticism of President Bongo is permitted, and no advocacy of a multiparty political system by the media or individuals is tolerated. The country's single daily newspaper, which is government owned, regularly prints columns attacking alleged inefficiency or corruption in various government offices. Foreign magazines and newspapers, notably French publications and magazines printed elsewhere in Africa, which sometimes criticize the President and the one-party system, generally circulate freely in Gabon, although occasionally particular issues of publications are seized by the police and a few publications are banned. Journalists are considered to be state employees and are expected to expound on themes as directed by the Government. The policies of the Government are sometimes debated in public forums. The President sometimes holds press conferences, and his ministers have submitted to lively direct questioning on television on a broad range of domestic policy issues such as education, public housing, and transportation.

b. Freedom of Peaceful Assembly and Association

Political activity outside the Democratic Party of Gabon is illegal. The Government does not interfere in the affairs of nonpolitical organizations. In some sectors, for example, sports clubs and social service organizations have been formed. Many have national programs under government auspices, but diverse private groups and events sponsored by private companies also exist.

Labor unions may organize but must be affiliated with the government-sponsored Labor Confederation of Gabon (COSYGA), which is considered a specialized organ of the Democratic Party of Gabon and the sole labor federation. The Labor Code (1978) and the General Convention of Labor (1982) govern general working conditions and benefits for all sectors. Unions in each sector negotiate with management over specific pay scales, working conditions, and benefits applicable to their industry. Representatives of labor, management, and government meet annually to agree on the minimum wage, which is determined within guidelines provided by the Government. Under Gabonese law, all strikes are illegal which occur before remedies prescribed under the Labor Code have been exhausted. No strikes were reported in 1986, although in previous years workers have organized strikes or job actions over wages and working conditions. The Labor Confederation of Gabon is a member of the Organization of African Trade Union Unity.

It is estimated that over half of Gabon's 90,000 salaried private sector workers are unionized. Government employees are not permitted to belong to unions. Agreements reached between labor and management in each sector also apply to nonunion and expatriate labor. According to the Labor Code, workers may individually or collectively take complaints of code violations to arbitration and may appeal to labor and national courts. These provisions are respected in practice.

c. Freedom of Religion

The Constitution guarantees religious freedom and tolerance. However, proselytizing has sometimes been discouraged, and in 1985 four small syncretistic sects were banned because of alleged intolerance of antigovernment activities. Nonetheless, Christian, Muslim, and animist religions all flourish in Gabon, and public worship is unrestricted. A number of different religious groups operate schools. There is no political or economic discrimination because of religious preference.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Movement within the country and return to Gabon from abroad are normally not restricted by the Government. Government employees, however, must obtain permission to travel abroad, and private citizens must obtain exit permits. Immigration laws and presidential decrees promulgated in mid-1986 imposed heavy monetary guarantee requirements on non-French expatriates working in Gabon and levied $100 exit visa fees for each departure from the country. Since mid-1983, the Government has slightly tightened restrictions on the entry and resettlement of displaced persons, but many individuals who have been deemed to have a "well-founded fear of persecution" in their country of origin have been given permission to stay in Gabon. There have been no reported cases of involuntary repatriation. Those refugees or displaced persons who wish to repatriate voluntarily are allowed to do so.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Gabon is governed by a centralized, single-party regime in which President Omar Bongo exercises most political power. Major political and economic decisions are made by the President, usually in consultation with cabinet-level officials. This group of 60 includes representatives of all the country's major ethnic, geographic, and political groups. Through this mechanism, Gabon's varied interest groups are heard, given access to political patronage, and consulted on national resource distribution. The Fang, an ethnic group comprising about 35 percent of the population, feel themselves to be underrepresented. Fear of Fang dominance by the remaining 65 percent has contributed to the President's political control. The need to maintain the balance of interests represents, therefore, the major check on presidential power. The very size and complexity of the government structure is another significant factor. Opposition political parties are not permitted. Membership in the single political party is open to all Gabonese but is not required. Elections below the presidential level are sometimes contested, but all candidates must be approved by the Democratic Party of Gabon. The central committee of the ruling party was expanded in September 1986 and for the first time included two former members of the MORENA opposition group.

GABON

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

President Bongo has invited representatives of Amnesty International and other human rights organizations tc visit Gabon. The United Nations High Commissioner for Refugees functions in Gabon under the aegis of the United Nations Development Program.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

In recent years, women have played an increasing role in the economic, political, and cultural life of the country, particularly in urban areas. The Government and party have promoted women's rights, including formation of the National Commission for the Promotion of Women in 1984, which called for increased support for health care, nutrition, and literacy programs for women. Although no women are among the top 40 full government ministers, 4 women occupy cabinet positions as secretaries of state, and 9 others are in junior minister positions. In September 1986, five women became members of the political bureau of the Democratic Party of Gabon, the first women to serve at this level of the party. Women are also represented in the judiciary and occupy 13 seats in the National Assembly.

Access to the Government's social programs is open to all Gabonese citizens on a nondiscriminatory basis.

CONDITIONS OF LABOR

Labor legislation provides broad protection to workers. The minimum wage for unskilled labor since April 1985 has been about $200 per month for Gabonese and about $150 for foreigners. Owing to labor shortages, most salaries are much higher. There has been little unemployment for Gabonese wishing to enter the wage economy, though it is increasing as the economy reacts to the drop in oil prices.

No minor below the age of 16 may work without the authorization of the Ministries of Labor, Public Health, and Education. It is rarely granted and few employees are below the age of 18. Work over 40 hours per week must be compensated with overtime, and the workweek must include a minimum rest of 48 consecutive hours. Pregnant women have a right to 14 weeks of leave during pregnancy, including 6 weeks before delivery. The Labor Code describes enforcement of occupational health and safety standards, which are established by decree of the Minister of Health.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GABON

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	1.7	1.8	1.9
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.7	1.8	1.9
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS....	0.0	0.0	0.0
PAY. IN FOR. CURR....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
B.RELIEF.EC.DEV & WPP.	0.0	0.0	0.0
VOL.RELIEF AGENCY....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	1.7	1.8	1.9
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.7	1.8	1.9
PEACE CORPS.....	1.7	1.8	1.9
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	3.1	0.1	0.1
LOANS.....	3.0	0.0	0.0
GRANTS.....	0.1	0.1	0.1
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	3.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.1	0.1	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	4.8	1.9	2.0
LOANS.....	3.0	0.0	0.0
GRANTS.....	1.8	1.9	2.0
OTHER US LOANS.....	7.4	0.0	0.0
EX-IM BANK LOANS.....	7.4	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	0.6	52.6	0.0	249.2
IBRD	0.0	0.0	0.0	69.1
IFC	0.0	0.0	0.0	0.0
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	42.6	0.0	60.6
UNDP	0.6	0.0	0.0	18.4
OTHER-UN	0.0	0.0	0.0	1.2
EEC	0.0	10.0	0.0	99.9

THE GAMBIA

A former British colony on the West African coast, The Gambia is a parlimentary democracy with an elected president. Until the bloody coup attempt in July 1981, The Gambia had a history of political stability under the leadership of its first and current President, Sir Dawda Jawara. His ruling People's Progressive Party has dominated the House of Representatives since independence in 1965, but several opposition parties actively participate in the political process. Two new political parties were formed in 1986 and will join the ruling party and the existing opposition National Convention Party in contesting the presidential election scheduled for March 1987.

Given impetus by the coup attempt and formalized by the Confederation Treaty of 1981 establishing Senegambia, the process of confederation with Senegal continued during 1986, albeit slowly, with discussions mainly in the defense and economic areas. The Gambia has a small army and a modest navy. The Gambia gendarmerie has been organized under a Senegalese officer, and the first company trained by British officers has now been integrated with Senegalese troops into a confederal battalion.

The Gambia's population of 762,000 consists largely of subsistence farmers growing rice and groundnuts (peanuts), the country's primary export crop. The Gambia continued in 1986 a stringent program of economic reform which in mid-year included new arrangements with the International Monetary Fund, the World Bank, and other donors to allow The Gambia to reschedule its debt and receive critical new loans.

The Gambia continued the human rights improvement begun in 1985 with the lifting of the state of emergency. Its human rights record in 1986 was good. In April 1986, the Government commuted the death sentences of 13 more persons convicted of treason and other crimes connected with the 1981 coup attempt. Presently there is only one outstanding treason-appeal case, which, after several postponements, is scheduled to be reviewed in 1987 by the Criminal Appeals Court.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no instances of political killings.

b. Disappearance

There were no known allegations of abduction or secret detention by the Government or by any other group.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution contains prohibitions against torture, and cruel, inhuman, and degrading punishment. There were no allegations of torture in 1986. Prison conditions are severe, but there have been only isolated reports of mistreatment of prisoners. There are segregated prison facilities for men and women of both maximum and minimum security types. The Government allows prison visits by representatives of the local Red Cross and by close family members.

THE GAMBIA

d. Arbitrary Arrest, Detention, or Exile

Based on British legal practice, there are well-developed constitutional and legal procedures governing the arrest, detention, and bringing to trial of persons accused of crimes. Under these procedures, a detained person must be brought to trial within 1 week of arrest. This waiting period, however, can be extended twice, making 21 days the maximum period of detention before trial.

The Government scrupulously observed its laws in handling the 1,091 persons detained after the coup attempt. Under the Emergency Act of 1981, which was abrogated in February 1985, the Government could and did order the detention of persons who were considered to have been involved in acts prejudicial to public safety for up to 14 days without a detention order but with the right to legal counsel.

The Labor Administration Act prohibits forced labor.

e. Denial of Fair Public Trial

Sixty-two persons were sentenced to death--after lengthy public trials--for crimes committed in connection with the 1981 coup attempt. Except for one, the cases have now gone through appeal, and the President in each case brought to him has granted executive clemency. No executions have taken place. There are currently no known political prisoners in The Gambia. One of the 1981 coup leaders was arrested in 1985, tried, and sentenced to death in 1986. His case is now in the criminal appeals court and is scheduled to be reviewed soon.

To help discourage future coup attempts, The Gambia Parliament enacted a law in May 1986 which imposes the death penalty for treason, but which also includes the safeguard that a person cannot be convicted of treason on the uncorroborated statement of only one witness.

Three kinds of law operate in The Gambia: general, Shari'a, and customary law. Shari'a, governing Muslims, is observed in marriage and divorce proceedings. Customary law covers marriage, inheritance, divorce, land tenure and utilization, local tribal government, and all other civil and social relations originating in the traditional religious and tribal situation of the country. General law, based on English statutes and modified to suit The Gambian context, governs criminal cases and trials and most organized business practices. If there were a conflict between general law and Shari'a, general law would prevail.

The Constitution guarantees to criminal defendants the traditional rights of the English legal system, such as the presumption of innocence, the right of the accused to be informed promptly of the charges, and the right to a public trial. If released on bail, the accused person need not come to trial until the investigation is completed, and there apparently is no maximum time limit for investigations. Appeals normally proceed from the Supreme (trial) Court to the Court of Appeals, the country's highest tribunal. Under the Emergency Act, the Government established a special division of the Supreme Court, comprised of judges and prosecuting and defense attorneys from neighboring English-speaking countries having the same basic legal system as The Gambia. This unusual step helped overcome the shortage of trained legal personnel,

avoided overwhelming the regular judicial system, and demonstrated publicly the Government's concern for impartiality.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides guarantees, which are respected in practice, against arbitrary search of person and property. The Constitution permits the voluntary submission by a suspect to search, or a mandatory search if it is reasonably required in the interests of national defense or other public interest. Under the criminal code, search warrants based on probable cause are issued by magistrates upon application by the police. There are a number of police and military check points in and around Banjul. Drivers are stopped and vehicles are searched periodically.

The rights of family are of extreme importance in The Gambia's conservative Muslim society. Marriage, the raising of children, and religious instruction are regulated by a combination of personal preference and ethnic and religious tradition. The Government does not normally intrude in family matters. There is no effort to censor or control personal correspondence or communications.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution guarantees press freedom, and the Government does not attempt to censor published materials whether they originate within or outside the country. However, the Emergency Act, with its broad powers of detention, did have an inhibiting effect on criticism of the Government by the few independent news sheets. In practical terms, The Gambia, with its small, mainly rural, largely illiterate, and multilingual population, does not support an active press. There are no daily newspapers. There is a government weekly newspaper and several independent, intermittently published, mimeographed news sheets. Both the opposition and the independent press are sometimes very critical of the Government. There is, however, some degree of self-censorship in the government-owned media, which exercises restraint in reporting criticism of the Government. There is no television in The Gambia, although Senegalese stations can be received.

The Government dominates the media through Radio Gambia, but there have been no reported instances of government interference with the one commercial radio station which mainly broadcasts music. A few foreign magazines and newspapers are available in the capital.

b. Freedom of Peaceful Assembly and Association

In general, there is no interference with the freedom of association and assembly, which is guaranteed by the Constitution. The Government almost always grants permits for meetings but requires that these meetings be open to the public.

Trade unions are small and fragmented and are a minor element in Gambian economic and political life. Less than 20 percent of the work force is engaged in the small, wage sector, where unions normally are active. The Gambian Workers Union (GWU), an umbrella organization covering six major unions, finally

registered in 1986 and is recognized by the Government. The GWU was deregistered after an illegal strike in the late 1970's and subsequently became engaged in a long dispute with the Government over conditions for reregistration, e.g. the filing of financial documents. Other unions not affiliated with the GWU, function under basic labor and trade union legislation. The labor Administration Act specifies that workers are guaranteed freedom of association and the right to organize and to bargain collectively. Union members have the freedom to attend meetings outside the country.

c. Freedom of Religion

The Constitutional guarantees of freedom of conscience, thought, and religion are observed in practice. The State is secular though Muslims constitute over 90 percent of the population. The schools provide instruction in the Koran for Muslim students. Christians, both Catholic and Protestant, freely practice their religion. There is a small Baha'i community in Banjul. Missionaries are permitted to carry on their various mission-related activities. There is no evidence of discrimination in employment, education, or in other areas of Gambian life on religious grounds.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Consitution guarantees freedom of movement, subject to conditions protecting public safety, health, and morals. There is no restriction on freedom of emigration or freedom of return. Internally, police and military checkpoints exist in and around Banjul, but there is no evidence that police harass travelers.

Because of historic and ethnic ties with the people of Senegal, Guinea-Bissau, Guinea, and Mali, people tend to move unregulated across borders, which are poorly marked and difficult to police. Under the Confederation Treaty of 1981, neither Gambians nor Senegalese need passports or visas to travel to the other country.

Section 3 Respect for Political Right: The Right of Citizens to Change Their Government

The Government is elected by citizens 18 years of age and older. The chief executive (the President) and the members of the legislature (House of Representatives) are popularly elected, as are the district councils and the chiefs, who exercise traditional authority in the villages and compounds. A functioning multiparty system exists in The Gambia, even though the People's Progressive Party has been in power since independence. The principal opposition party, The National Convention Party, contests national and district elections. Other opposition parties contest the presidency and other offices on a selected basis. Independents have run for and won legislative seats. While there have not been any serious allegations of election fraud, the opposition boycotted the 1983 district elections, claiming in advance that they would be unfairly managed by the Government. The government party holds 43 of 50 seats in the House of Representatives. The opposition is therefore not able to defeat or modify significant legislation sponsored by the Government. Nevertheless, debate is open, and accepted parliamentary procedures are observed.

THE GAMBIA

Two new political parties were formed in 1986 in anticipation of the next election which is scheduled for early 1987. Both parties were formed by defectors from the ruling party. In October 1986, one of the leaders of the new Gambia People's Party (GPP) was arrested for 2 days for alleged "possession of government documents." After his release he resigned from the GPP and rejoined the ruling party.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government permits visits of international human rights organizations to observe the conditions of detainees and the trial process. There were no requests by such organizations for investigation of alleged human rights abuses in The Gambia during 1986.

Section 5 Discrimination Based on Sex, Race, Religion, Language, or Social Status.

The people are overwhelmingly Muslim and 85 percent of the population live in villages. While personal initiative and choice are valued, rights and privileges are generally perceived to reside in the group rather than in the individual. Traditional conservative values are changing but very slowly. Females comprise over one-third of the students in primary school, and with growing educational opportunities, women participate increasingly in the professions and in political life. The Minister of Education and the Parliamentary Secretary of the Ministry of Health are women. In addition, there are women in prominent positions in the civil service as department heads and undersecretaries. Marriages are still often arranged, but there is growing freedom of personal choice. Family planning, focused on the health and welfare of mother and child, remains controversial but is gaining some acceptance. There is a women's bureau in the Office of the President which actively promotes debate on women's issues.

CONDITIONS OF LABOR

The minimum age for employment is 18, at which age a prospective employee is authorized a labor card. The prohibition on child labor does not apply to customary chores on family farms. Minimum wages and hours of work are determined by the Joint Industrial Council, pursuant to the Labor Administration Act, which has representation from employees, employers, and government. Occupational safety and health are covered by The Factory Act under which the Minister of Labor is given authority to regulate factory health and safety, accident prevention, and dangerous trades and to appoint inspectors to ensure compliance.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GAMBIA, THE

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	7.9	9.4	5.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	7.9	9.4	5.7
A.AID	3.7	5.8	4.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	3.7	5.8	4.7
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	3.3	2.6	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	3.3	2.6	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	3.3	2.6	0.0
E.RELIEF.EC.DEV & MFP.	2.1	1.9	0.0
VOL.RELIEF AGENCY.....	1.2	0.7	0.0
C.OTHER ECON. ASSIST...	0.9	1.0	1.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.9	1.0	1.0
PEACE CORPS.....	0.9	1.0	1.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.1	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.1	0.1
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.1	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	7.9	9.5	5.8
LOANS.....	0.0	0.0	0.0
GRANTS.....	7.9	9.5	5.8
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	24.2	0.4	5.8	130.1
IBRD	0.0	0.0	0.0	0.0
IFC	3.0	0.0	0.0	3.0
IDA	20.9	0.0	5.8	62.1
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	51.9
UNDP	0.3	0.4	0.0	11.3
OTHER-UN	0.0	0.0	0.0	1.8
EEC	0.0	0.0	0.0	0.0

GHANA

Ghana is governed by the Provisional National Defense Council (PNDC) under the chairmanship of Flight Lieutenant Jerry Rawlings, who seized power from the previous elected Government on December 31, 1981. Under the Establishment Proclamation issued January 11, 1982, the Council exercises "all powers of government." In practice, government policy is developed by Chairman Rawlings assisted by a number of close advisers, both inside and outside government. The PNDC has nine members and includes, aside from the Chairman (the lone survivor of the seven original members), two serving military officers (added in 1985) and seven civilians (including one woman and one ex-military officer). The various government ministries are headed by "Secretaries", each of whom is subordinate to the respective PNDC member responsible for that particular area of government. A network of Committees for the Defense of the Revolution (CDR's) is designed as a channel to transmit government policies to the citizens and, theoretically, citizen concerns to the Government.

There are several security organizations in Ghana which report to various sections of the Government, but all come under the firm control of the PNDC. Most security cases of a political nature are handled by the Bureau of National Investigation, which reports to both the Ministry of the Interior and the PNDC member responsible for security issues.

Starting in 1983, the Government adopted an exceptionally austere economic recovery program in an effort to redress a quarter century of economic mismanagement and political instability which caused Ghana to decline from one of Africa's most promising states to a condition of economic collapse and poverty. Remedial measures have included a devaluation of more than 5,000 percent in the cedi in less than 4 years. Conducted in concert with the International Monetary Fund (IMF), the recovery program appears to have had a positive effect. The economic growth rate made a fourth consecutive positive showing in 1986 (the growth rate for 1986 was estimated at 5.1 percent), and triple digit inflation has been reduced to between 20 and 25 percent.

Under Rawlings, the most noticeable improvement in human rights has been the restoration of civil order after an initial 18-month period of revolutionary excess in 1982 and 1983. Discipline has generally been instilled in the armed forces and the police, but a number of coup plots came primarily from members and former members of the armed forces. In 1986 one coup attempt was publicly reported, and there were several alleged attempts. Problems also continue with certain paramilitary elements, such as the militia, which do not yet seem firmly under government control.

Although the Government, through the National Commission on Democracy, continued in 1986 to "study" means of restoring a democratic system, there is still no guarantee of elections, nor are there any current plans to provide for a relaxation of government control of the main national newspapers and broadcast news media. The potential for arbitrary deprivation of liberty was demonstrated by continuing instances of incarceration without formal charges and summary dismissal of 16 judges. A system of public tribunals, which parallels the regular courts, failed to enforce procedural safeguards adequate enough to constitute acceptable due process.

GHANA

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

No killing was reported in which there was evidence of political motivation or governmental instigation.

b. Disappearance

No disappearance traceable to government action or to nongovernmental or opposition forces was reported.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There have been occasional credible allegations of torture and/or beatings. Twice during 1985, the Government acknowledged that some members of the armed forces beat detainees. In March 1986, during a series of trials of alleged coup plotters before the public tribunals, a defendant alleged that he and a fellow defendant had been tortured and, to prove his charge, stripped to the waist in court to show the scars caused by the alleged beatings. The Government has not refuted these allegations or made any known attempt to investigate them.

d. Arbitrary Arrest, Detention, or Exile

Ghanaian security forces occasionally take persons into custody, sometimes secretly late at night, with or without a warrant, and hold them incommunicado for months. Some of those so detained are said by government officials to have committed crimes, although their only known "offense" is the expression of views critical of, or different from, those of the Government. When the Ghana Bar Association has attempted to free some of these persons through writs of habeas corpus, the PNDC has either stood aside and permitted their release or has interposed ex post facto preventive custody orders barring their release and citing national security considerations as justification.

In more routine criminal cases, detentions are generally performed in accordance with the legal procedures set forth in the criminal code. The criminal code requires that an arrested person be brought before a court within 48 hours and authorizes bail in many instances. Some writs of habeas corpus continued to be granted in 1986, but habeas corpus is limited by a 1984 law which prevents any court from inquiring into the grounds for the detention of any Ghanaian detained under PNDC Law 2 (the law setting up the National Investigation Committee and giving that Committee the power to investigate virtually any allegation referred to it by the PNDC).

On January 9, 1986 the last minister of the previous government still being detained was released on bail. Some other officials of the former government who fled Ghana in 1982 and 1983 have quietly returned and resumed careers outside of politics, reportedly convinced in at least some cases that the danger of detention has now passed. Although the Government does not announce detentions or releases, there were in 1986, as in previous years, a number of prisoners in detention without charge or trial. In April a group of four, including a student political leader and a journalist, was detained by the Government with no public explanation and without charges ever

being brought. They were not released until August and were the subject of an Amnesty International Emergency Bulletin. In August a former government minister, Victor Owusu, was taken into detention, and at the end of 1986 no charges had been announced against him, and no hearing had been held.

In August 1985, the Ghana Bar Association published a list of 17 detainees being held without charge, carefully noting that it had published only the names of those for whom firm proof of detention was available. The newspaper which published the list has since been forced out of business, allegedly by governmental restrictions on the provision of newsprint to that particular paper.

Ghana prohibits forced labor, except in the cases of military draftees and convicted criminals.

e. Denial of Fair Public Trial

Despite the creation of a separate judicial system in the form of public tribunals and despite the lack of clear guidelines as to which cases should go before the tribunals and which before the regular courts, traditional legal safeguards based on British legal practice, e.g., the right of defendants to present evidence and to cross-examine witnesses, remains generally available in the regular court system. This system includes high courts, appeal courts, and a Supreme Court headed by a Chief Justice. Serious questions have arisen, however, about the independence of the regular courts. In April the PNDC overturned one of its own decrees, which provided for full hearings before a judge could be removed from office, and summarily dismissed 16 judges including 2 judges of the Court of Appeal (Ghana's second highest court). The PNDC alleged that these judges were guilty of various forms of malfeasance in office, but no formal charges were brought against them, and no hearings were ever held. Many legal observers believe that, by this action, the PNDC has put judges in the regular courts on notice that judges serve at the sufferance of the PNDC and must serve government purposes or be summarily removed from office.

The public tribunals system, set up in 1982 to parallel the regular court system, includes the Office of Revenue Commissioners, the National Investigations Committee, the Special Military Tribunal, and the Public Tribunals Board, as well as the public tribunals per se, which exist at the national and regional levels and are planned for district and community levels. The Government's announced purpose when it established this system was to provide more justice to more people in a more timely fashion by deemphasizing legal "technicalities." In 1985 a National Appeals Tribunal was created to hear appeals from the public tribunals. Critics contend, however, that the system still depends largely on judges with little or no legal experience, that it shortcuts legal safeguards in an effort to speed proceedings, and that it creates new opportunities for corruption because of ambiguities in the jurisdiction between the tribunals and the regular courts. Critics note, for example, that the panels of presiding judges contain more laymen than lawyers, that there are no published guidelines concerning the admissibility of evidence, and that conviction is by majority vote of the panel trying a case. Critics add that meaningful appeals are impossible because no adequate record is kept of initial hearings before tribunals, and judges on the appeals panel are drawn from the same pool of "lay judges" who hear the initial cases, which means some cases include judges who actively participated in the initial hearing under appeal.

The members of the Ghana Bar Association, citing such shortcomings, have elected not to practice before the tribunals, and few lawyers are willing to appear in cases before them. In 1985 the Government approved the creation of a legal aid program, but at the end of 1986 this program had yet to be implemented.

In 1986 the public tribunals continued the PNDC policy of imposing the death penalty for offenses that were essentially of an economic, "white collar" nature. For example, three government officials were sentenced to death by firing squad on September 26 for embezzling government funds. In May, after hearings before a Public Tribunal, nine people allegedly involved in coup plotting, including those who had allegedly been tortured during interrogation, were executed by firing squad.

Amnesty International has adopted as a "prisoner of conscience" a Ghanaian who was sentenced by a public tribunal to 16 years in prison for complicity in a November 1982 coup attempt.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The individual citizen is, for the most part, free from interference by the State in his or her private conduct, although some critics fear that the Committees for the Defense of the Revolution (CDR's) have the potential to become "neighborhood watch committees", analogous to the Cuban model. However, while the Government holds that all citizens are "members" of the CDR's, at present actual participation in the system is voluntary. Monitoring of telephones and mail rarely occurs. Forced entry into homes has been reported in connection with security investigations. Informers exist, but informer systems, so far as is known, are not widespread. There is no forced resettlement of populations nor interference with the right to marry or to have children or for parents to provide religious instruction for their children.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The freedoms of speech and the press guaranteed under the now suspended 1979 constitution stand abrogated, but the PNDC Chairman has publicly encouraged people to speak out on local community concerns, though not on government policy. The Government owns the radio and television stations, as well as the two principal daily newspapers. The press avoids criticism of the revolution or of Chairman Rawlings. It focuses instead on uncovering instances of waste, fraud, and mismanagement, even when they involve relatively high-level officials (though such are usually government inspired).

In the past several privately owned newspapers tried to be relatively bold in their news coverage and editorial comments, but most of these newspapers, for various reasons, have since closed down. Government actions against the press continued in 1986, e.g., by limiting supplies of newsprint to the independent press, thereby reportedly forcing one of the most outspoken newspapers into bankruptcy in early 1986. In December 1985, the Government banned publication of the Catholic Standard on political grounds. A church newespaper, the Standard was known for its independent stand on human rights and other issues. Despite efforts by the Catholic Church throughout 1986 to get

the Standard reopened, including public issuance of a Bishops' communique on the subject in September, it remains under government ban.

Academic freedom tends to be respected within the confines of the campus. Private organizations voice occasional dissent from official policies but are denied access to the media and have difficulty reaching the public with their views.

b. Freedom of Peaceful Assembly and Association

Individuals are generally free to join together formally or informally to promote nonviolent causes, but restrictions remain on association for the purpose of protesting government policies. Political meetings are banned. Permits are required for public meetings but are routinely granted except when the meeting has an overtly political purpose.

In 1986 the Trades Union Congress (TUC) continued to be led by officials freely elected in December 1983. New elections are slated for 1987. The TUC is associated with the International Labor Organization and with the Organization of African Trade Union Unity. The right to strike is recognized in law and in practice in Ghana. Ghanaian trade unions freely engage in collective bargaining with both private sector and state-owned enterprises, though in the latter category there are indications that the Government has, on occasion, used brief detentions and threats against union leaders to force agreement on issues involving state-owned enterprises. In April 1986, the TUC threatened to call a general strike, charging that the Government had changed wage and benefits policy unilaterally and negated the principle of free collective bargaining. Senior PNDC officials intervened to resolve the problem, and the Government now seems to be encouraging greater dialogue with the unions.

c. Freedom of Religion

There is no state-favored religion and no restriction on the exercise of religion or on contacts with others of the same faith, though as the Catholic Standard case indicates, the Government will not hesitate to ban religious publications for alleged political content. Most Ghanaians, including senior government officials, are practicing members of religious groups. Foreign missionary groups operate freely throughout the country, though the "profusion" of such groups has come under criticism from the PNDC Chairman.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

People are free to move from one part of the country to another without special permission. Since 1983 some diplomats have been required to give 48 hours' notice before traveling outside the greater Accra region. Police roadblocks continue to exist countrywide, allegedly for the prevention of smuggling, but are less obtrusive than in the 1982-84 period. Roadblocks and car searches are still a normal part of nighttime travel in Accra, but are no longer conducted during the day.

As members of the Economic Community of West African States, Ghanaians are free to travel without visas for up to 90 days anywhere in West Africa. Ghanaians are generally free to exercise this right, and nationals of other member states are free to travel to Ghana. However, the Ghana/Togo border is

still closed following allegations of Ghanaian involvement in a September coup attempt against the Government of Togo. The major restraints on travel by Ghanaians are lack of foreign exchange and long delays in the issuance of passports. Ghanaians are free to emigrate or to be repatriated from other countries. If a person is considered a security threat, special permission must be obtained.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The PNDC under Chairman Rawlings exercises total executive, legislative, judicial, and administrative power in Ghana (PNDC Law 42). There are no other governing organs and no current procedure by which citizens can freely and peacefully change their laws, officials, or form of government. A panel to design new democratic structures to eventually replace Ghana's existing provisional system is in existence but has yet to publish any of its deliberations or a timetable. Efforts to give substance to the revolutionary slogan, "Power to the People", include elections for leadership positions at the local level to the Committees for the Defense of the Revolution. These efforts were purportedly intended to culminate in July 1986 with a National CDR Conference, but organizing difficulties limited the 1986 CDR meetings to the regional level. Thus far, indications suggest that these CDR elections have been relatively free and open, but that the CDR's do not seem to be drawing support from a wide spectrum of the population. No claim is made by the Government, however, that these committees are meant to take the place of either elected local or national governing bodies.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government cooperates with the International Committee of the Red Cross which continued its visits to prisons in Ghana in 1986. There are several internal groups concerned with human rights, and they tend to be objective but not especially vocal or effective in their reporting. Nevertheless, various independent groups and organizations have worked for and have sometimes succeeded in gaining the release of persons from custody. Official human rights inquiries may be answered at various levels, including by cabinet secretaries. In 1986 no international human rights organization sent representatives to Ghana, although Amnesty International issued an urgent bulletin about certain individuals held in detention without charge.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Discrimination based on race, language, religion, or social status is not a problem in Ghana. Women's rights in business, the civil service, and the home have long been well established and respected. One woman serves as a member of the ruling PNDC. There is one woman in the Cabinet, and at least six women hold subcabinet positions. Although women in urban centers and those who have entered modern society encounter little bias in most endeavors, role pressures do exist. Women in the rural agricultural sector remain subject to the constraints associated with traditional male-dominant mores, in spite of efforts by the Government and more enlightened elements in the society to curtail such practices. In 1985 the Government promulgated four laws which overturned many of the discriminatory customary, traditional, and colonial laws, i.e., concerning family

accountability, intestate succession, customary divorce registrations, and the administration of estates.

CONDITIONS OF LABOR

Working conditions in Ghana are governed by labor legislation which specifically prohibits forced labor, sets a minimum employment age of 15, and prohibits night work and certain types of hazardous employment for those under 18 years of age. Government directives establish a minimum normal wage and, through both directives and union contracts, the normal hours of work are defined in terms of a 40-hour week. Labor legislation also provides for labor inspectors and gives them the power to order the alteration or closing of any work site "to avert any threat to the health or safety of the workers." Terms of employment and protection against arbitrary discharge are also covered by existing legislation.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GHANA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	20.2	25.2	5.5
LOANS.....	0.0	9.0	0.0
GRANTS.....	20.2	16.2	5.5
A.AID	0.0	2.4	4.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	2.4	4.0
(SEC.SUPP.ASSIST.)....	0.0	0.0	0.0
B.FOOD FOR PEACE.....	18.8	21.5	0.0
LOANS.....	0.0	9.0	0.0
GRANTS.....	18.8	12.5	0.0
TITLE I-TOTAL.....	0.0	9.0	0.0
REPAY. IN $-LOANS.....	0.0	9.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	18.8	12.5	0.0
E.RELIEF.EC.DEV & MFP.	1.8	5.1	0.0
VOL.RELIEF AGENCY.....	17.0	7.4	0.0
C.OTHER ECON. ASSIST...	1.4	1.3	1.5
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.4	1.3	1.5
PEACE CORPS.....	1.4	1.3	1.5
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.2	0.3	0.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.2	0.3	0.2
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.2	0.3	0.2
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	20.4	25.5	5.7
LOANS.....	0.0	9.0	0.0
GRANTS.....	20.4	16.5	5.7
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	218.9	195.4	96.0	1084.4
IBRD	0.0	0.0	0.0	190.5
IFC	60.0	0.0	0.0	60.0
IDA	125.0	122.0	96.0	624.1
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	30.9	59.7	0.0	120.1
UNDP	3.0	5.1	0.0	52.1
OTHER-UN	0.0	8.6	0.0	21.6
EEC	0.0	0.0	0.0	16.0

GUINEA

In 1986 Guinea's military leaders consolidated their hold on political power and, under the ruling Military Committee for National Recovery (CMRN), significantly expanded civilian participation in the day-to-day operations of the Government. Civilians now fill 19 of the 35 cabinet-level positions, including 7 exiles who had fled the late President Sekou Toure's Guinea. The CMRN is sensitive to ethnic divisions and has attempted to strike a balance among the major groupings in appointments and promotions of high officials.

General Lansana Conte has consolidated power in his third year as Head of State, a process facilitated by his building up of a well-armed presidential guard. Since the aborted coup of July 1985, there have been no known attempts forcibly to overthrow the Government. President Conte and his Government continue to enjoy support from having overthrown in a bloodless coup the successors of Sekou Toure, who died unexpectedly in March 1984 after having been Guinea's leader since 1958, and from the emphasis they place on improving human rights in Guinea. Conte has pledged to make Guinea, "a nation of laws, and fully respectful of human rights and liberties."

Despite abundant natural resources, Toure's legacy of mismanagement and authoritarianism has left Guinea among the poorest countries in the world, with a per capita gross national product below $300. Eighty percent of the population is engaged in subsistence agriculture, and the salaried sector consists almost entirely of the 79,000-member civil service. Guinea is seeking to overcome this legacy with a comprehensive economic reform program aimed at introducing an environment conducive to individual initiative and the operation of the free market.

The fragility of Guinea's improved human rights situation under Conte was illustrated in 1986 by widespread international press attention on the fate of a number of Sekou Toure's family members and political associates, and of those former CMRN members and others arrested after the July 1985 coup attempt. These reports indicated a growing belief that many of these people had been executed. At the end of 1986, the Government had still not charged or brought these persons to trial but was under growing pressure to give some accounting of their whereabouts and status.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Jeune Afrique and other leading Africa-oriented publications published allegations that political killings had taken place within 4 days of the 1985 coup d'etat. In no case was hard evidence presented in support of these charges, but Jeune Afrique asserted that the Government has the burden to show that those incarcerated are still alive. The Government has chosen not to respond to these specific charges or to exhibit the persons. In a speech on December 22, 1985, Conte implied that at least some of the detainees may have been summarily executed. However, the official government position remains that these persons are in prison, and that they will be tried after the appropriate judicial investigation is completed. The prisoners involved are all identified with one particular

ethnic group, the Malinke. The Malinke were closely identified with the Sekou Toure regime. President Conte is from the Soussou ethnic group.

b. Disappearance

No politically motivated abductions or disappearances were reported.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Since coming to power in April 1984, the Government has repeatedly condemned the cruel and inhumane practices of the Sekou Toure regime. It has, in some cases, corrected past abuses by law enforcement and prison officials when these cases have been brought to its attention. Government officials admit, however, that control over the lower ranks of the police, gendarmerie, and military forces is at best uneven, and maltreatment of prisoners still occurs. For example, prisoners have reportedly been stripped naked during their confinement. Because of Guinea's general underdevelopment, prison conditions are squalid and unsanitary, and the low-ranking officials who guard them are poorly educated, trained, paid, and supervised.

d. Arbitrary Arrest, Detention, or Exile

The exact number of political detainees is unknown, but, according to Amnesty International in its 1986 Report, 60 persons with ties to Sekou Toure remained in detention at the beginning of 1985 and another 200 persons were arrested after the July 1985 coup attempt. Some of these were released during 1985. The whole process of arrest, interrogation, release, or further detention of the suspects remained shrouded in secrecy.

There have been a number of reported cases involving arbitrary arrests on nonexistent or trumped-up charges, often by police officials seeking to supplement low salaries through extortion. Presidential admonitions and frequent campaigns against this practice in the government media have not succeeded in bringing continued reports to a halt.

Guinea in the post-Toure era does not deliberately practice incommunicado detention, but the authorities are often slow in acknowledging arrests involving common criminals, in part due to the lack of a functioning communications system. These cases typically conclude with a delayed official acknowledgement of arrest after the family of the prisoner has been unofficially informed. Guineans are troubled by the shortcomings of the current law enforcement system, including the lack of safeguards for bringing accused persons before a judge within a reasonable period of time. Guineans no longer have, however, the paralyzing fear they harbored for the brutal party state apparatus of the Toure regime.

Compulsory labor is prohibited and not practiced in Guinea.

e. Denial of Fair Public Trial

In 1986 Guinea continued the process of developing a modern and independent judicial system, which on paper includes procedural safeguards for the accused. The judiciary, as evolving, will have courts of the first instance at the subprefecture and prefecture levels and courts of appeal at the provincial level.

GUINEA

In September the Government abolished the Supreme Court, which was to have multiple functions, and in its place created a more narrowly focused Court of Annulment, charged with reviewing lower court decisions and determining whether applicable legal codes or relevant precedents have been followed.

In September the Government also placed a new emphasis on quality in the appointment of judges and the training of lawyers. In addition, it created an "independent" Guinea Bar Association to assist in the reform process, in part through the development of objective criteria for licensing attorneys. Heretofore, judges have been inadequately paid, have had poor or no access to reference materials, and often have allowed their decisions to be influenced by other than purely legal considerations. Ideology no longer plays a role in the appointment of either judges or lawyers (formerly called "popular lawyers"). By the end of 1986, nearly 20 attorneys had been admitted to the Bar. The consolidation of both the court system and the licensing procedures for attorneys reflect the Ministry of Justice's new emphasis on quality versus quantity, as it attempts to reduce the size of the country's legal machinery in proportion to the means available to support it.

Citizens accused of treasonous acts are to be tried by a new Court for National Security, the existence of which was first announced in 1985. According to the Government, former civilian officials of the previous Toure regime and civilians implicated in the July 1985 attempted coup will be tried in this Court. Military men implicated in the coup attempt are to be tried in a military court. As noted, no progress was made in 1986 in bringing any of these cases to trial.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government has stressed traditional family values and the inviolability of the home, but there are no legal or constitutional safeguards to protect these rights. In general, the CMRN is less willing than the former regime to abuse police powers. However, it does authorize from time to time stepped up police patrols and roundups of persons considered to be suspicious on the streets after midnight. While these patrols respond to a significant increase in city crime and juvenile delinquency, there have been excesses by police and paramilitary forces.

Mail and telephones, especially of foreigners, are likely to be monitored.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

While there is no longer a network of informers, after 26 years of totalitarian rule many Guineans are still hesitant to speak their minds on sensitive issues. With all media operated or controlled by the Government, freedom of the press does not exist. The Ministry of Information and Culture continues to act both as censor and administrator, but, within limits, has permitted some movement in the direction of press freedom. Local news media were given greater latitude during 1986 to report on the progress or lack of progress in the Government's reform programs. Reporters working for the newly formed Guinean press service were permitted to cover a broader

spectrum of domestic issues than had been the case under the previous Government. In several cases, however, articles denouncing corrupt practices did not have the promised sequels and journalists were reassigned. A few foreign books and magazines circulate freely, even when they contain material critical of the CMRN.

b. Freedom of Peaceful Assembly and Association

There was a proliferation of voluntary associations in Guinea in 1986, generally in the human services and professional fields, such as the Red Cross and the Chamber of Commerce. The officers of the newly founded journalists' association, however, were dismissed by the Minister of Information as though they were Ministry employees.

During 1986 the Guinean National Labor Confederation (CNTG) completed its second year as an autonomous entity. It maintains relations with recognized regional and international bodies, including the International Labor Organization (ILO), and regularly sends representatives to their meetings.

Organized labor in Guinea derives its power almost entirely from the prestige of its leadership, as economic conditions in the country have placed workers in a weak bargaining position. Most workers represented by CNTG affiliated unions are government employees, a large percentage of whom are slated for either early retirement or layoff due to government efforts to trim the civil service. Nongovernment workers have the right to strike, but by union policy need the permission of the CNTG executive board to do so. In late October the Government, with the support of the CNTG, ordered the firing of 27 workers involved in a wildcat strike of a major bus company.

c. Freedom of Religion

Approximately 85 percent of the population is Muslim, but there is religious freedom and toleration for worshipers of all faiths. Christians, despite their numerical minority, are accorded equal status, and there is no official state religion. The first Anglican bishop was installed in July 1986. All religions in Guinea have the right to maintain links with coreligionists in other countries. Missionaries may come to Guinea and proselytize, but the Ministry of Religious Affairs limits their numbers. The Government has declared both Muslim and Christian holy days as public holidays. It also subsidized pilgrimages to Mecca and the Vatican in 1986.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Guineans are free to move about the country and change residence or workplace, although they may be menaced occasionally by petty harassment by the poorly paid police and/or military at unauthorized roadside checkpoints. The Government has tried to slow the pace of rural-urban migration by primarily noncoercive means. In Conakry itself, however, the Government has seen a need to augment late night police patrols with added force deployments and occasional curfews to respond to reports of increased crime committed by bands of delinquent youth, many of whom are recent arrivals from the interior and incapable of finding productive work. Foreign travel involves considerable red tape for the prospective Guinean traveler, but there are no unusual restrictions. Foreigners are required to have a routinely granted laissez

passer for travel into the interior. The sudden increase in the numbers of non-African expatriates in the country has rekindled xenophobic fears in many Guineans and caused the Government to tighten immigration procedures from time to time. There are no accurate statistics on the number of former exiles from the Sekou Toure dictatorship who have returned to Guinea. There is much evidence to indicate, however, that they are returning in significant numbers. There are no political obstacles to repatriation.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Since independence, Guinea has had no experience in democracy, and there is still no legal provision for political parties or formal opposition to CMRN rule. The day-to-day running of the country has devolved increasingly upon the civilian members of the Cabinet, but ultimate authority still rests with the military dominated CMRN, which rules by decree. The CMRN has shown no inclination to relinquish its power or to permit national elections, apparently fearing that political organization would cleave Guinea along ethnic lines.

Decentralization became a major theme in 1986 in meeting ethnic tensions and was the subject of a national administrative conference in September, attended by the entire CMRN, the civilian Cabinet, and representatives of all the country's prefectures. In this connection, the Government launched an administrative reform program to develop local governing bodies at village and city neighborhood levels. A new government department, the Secretariat of State for Decentralization, was charged with introducing these local structures which involved local elections. There were reports of certain coercive measures to prevent some objectionable candidacies by persons associated with the previous regime, but in most cases the people were able to choose freely. The new local governing bodies are not to replace the prefecture layer of government and are limited to concerning themselves with developmental and social issues. Prefectural appointments are still made by the President, with the appointees commonly being natives of the regions to which they are assigned.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No local human rights organizations are known to exist in Guinea, but certain abuses are reported in the media. The CMRN has been publicly self-critical of its record, asserting that its overall approach to human rights distinguishes it from the repressive regime it overthrew but admitting that lapses have occasionally occurred. In this way, the Government has raised public consciousness on human rights issues. It has allowed Amnesty International to expand its membership and activities in Guinea, including circulating its publications freely in the country. Guinea is one of the few countries in Africa where Amnesty International has a local affiliate. In addition, French-based groups, such as The Assembly for the Protection of Human Rights and Liberty in Guinea, make known their concerns about human rights.

GUINEA

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

While the Government has not excluded any of the four major ethnic groupings in the country from executive or other positions, and while it has repeatedly exhorted its citizens to think of themselves as Guineans and not as members of a particular group, discrimination and mutual suspicion still characterize relations across ethnic lines within and outside government.

Women in Guinea enjoy a special status which has grown out of the political role they played in the pre-independence period. They still lag, however, in educational and employment opportunities despite the considerable influence of market women on the local economy. The Government publicly supports the advancement of women, but the presence of women within the civilian part of the Government is not large. The current Secretary of State for Social Affairs is a woman who was imprisoned for her political views during the previous regime. Her predecessor, also a woman, helped create the Guinean Association for Family Well-Being (AGBEF), a nonprofit, private organization to promote family planning and maternal and child health care. During 1986 the Organization of Women Workers established itself as a quasi-independent advocate of women's rights within the CNTG. This labor organization, plus the AGBEF and the National Office on the Feminine Condition, have conducted seminars and colloquia on women's issues and developed contacts with sister organizations overseas.

CONDITIONS OF LABOR

By accepted practice, children under the age of 17 are not usually employed outside the family. An exception is in the area of subsistence agriculture where farming is traditionally a family affair. With the help of the ILO, a new labor code is scheduled for introduction in 1987 which will include a minimum employment age of 17, a 40 hour work week, acceptable health and safety standards, and fair collective bargaining procedures. These labor standards are for the most part already in effect in the modern mining enclaves. Under existing legislation, a collective labor agreement signed in 1986 governs relations between Guinean mineworkers and the mining industry. Fair collective bargaining procedures were followed in hammering out this agreement.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GUINEA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	6.6	9.7	13.5
LOANS.....	4.8	5.7	0.0
GRANTS.....	1.8	4.0	13.5
A.AID	1.7	4.0	13.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.7	4.0	13.2
(SEC.SUPP.ASSIST.)...	0.0	0.0	10.0
B.FOOD FOR PEACE.....	4.9	5.7	0.0
LOANS.....	4.8	5.7	0.0
GRANTS.....	0.1	0.0	0.0
TITLE I-TOTAL.....	4.8	5.7	0.0
REPAY. IN $-LOANS.....	4.8	5.7	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.1	0.0	0.0
B.RELIEF.EC.DEV & MFP.	0.1	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.3
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.3
PEACE CORPS.....	0.0	0.0	0.3
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	1.6	3.1	2.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.6	3.1	2.1
A.MAP GRANTS.....	1.5	3.0	1.9
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.1	0.1	0.2
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	8.2	12.8	15.6
LOANS.....	4.8	5.7	0.0
GRANTS.....	3.4	7.1	15.6
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	94.8	58.5	44.0	596.5
IBRD	0.0	0.0	0.0	73.5
IFC	0.0	0.0	1.0	17.1
IDA	46.7	17.5	43.0	262.2
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	44.9	27.6	0.0	117.2
UNDP	3.2	4.0	0.0	63.6
OTHER-UN	0.0	1.9	0.0	11.0
EEC	0.0	7.5	0.0	51.9

GUINEA-BISSAU

The Republic of Guinea-Bissau adopted a constitutional form of government in May 1984, when the 4-year old Revolutionary Council, established after the 1980 coup d'etat, was abolished. Following the promulgation of the Constitution, elections were held for the National Popular Assembly, which in turn elected General Joao Bernardo Vieira to a 5-year term as President of the Council of State. The 150-member Assembly also chose the other members of the Council. Despite adoption of the Constitution, effective control remains in the hands of President Vieira, who serves as Head of State, Commander in Chief, and general secretary of Guinea-Bissau's sole political party, the African Party for the Independence of Guinea and Cape Verde (PAIGC).

Political opposition is forbidden. The party selects all candidates for office, who run unopposed at all levels of government. The 1984 Constitution nominally guarantees the equality of all citizens, the rights of man, and the rule of law. The Government generally accords these rights, but the rigidity of the single party system clearly limits individual political freedom. The Government cites national security to crack down on activities it views as a threat to its authority. The armed forces (FARP) are responsible for state security, both internal and external, as mandated by the Constitution. Persons accused of political crimes are tried by military tribunals.

Economically, Guinea-Bissau remains one of the world's poorest and least developed nations, dependent upon foreign aid for its survival. The Government's post-independence efforts to exercise Soviet-style control over the economy resulted in chronic shortages of the most basic commodities, high unemployment, and a worthless currency. In 1986 the Government continued reforms initiated in 1983 aimed at stimulating the private sector, shifting ownership of the means of production from state to private hands, and bringing the moribund economy back to life.

The Government's human rights record was marred by several events during 1986. Six of the 50 persons arrested in October 1985 for plotting to oust President Vieira were tried for treason and executed in July. Another five of the accused died mysteriously in prison while awaiting trial. Incidents of religious persecution and suppression of freedom of the press also occurred in Guinea-Bissau during 1986.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killing.

b. Disappearance

There were no known cases of disappearance.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Five persons accused of plotting to overthrow the Government died in prison between February 12 and June 1, before they

could be brought to trial. The official explanation of their deaths is that four died of natural causes, and the fifth was shot while trying to escape. It is widely believed, however, that four died as a result of beatings received in prison. The families of four of the five victims were not allowed to view the bodies. In the fifth case, the family saw the body only from a distance, but claimed that they could see discolorations and an indentation on the side of the head.

The Constitution prohibits cruel and inhuman punishment. However, prison conditions are unsanitary and cramped, and interogation methods are severe. Prisoners' families routinely bring them food and medical supplies. Capital punishment is forbidden in civil criminal cases but allowed in cases before military tribunals.

d. Arbitrary Arrest, Detention, or Exile

Arrests in Guinea-Bissau are frequently arbitrary, as arrest procedures are undefined and the use of arrest warrants is the exception rather than the rule. Traditional law still prevails in most rural areas. The legal system inherited from the Portuguese colonial regime, but modified by the Constitution, functions in the capital, Bissau, and other urban centers. It includes important procedural rights, such as the right to counsel and the right to a judicial determination of the legality of detention. Bail procedures are observed erratically. The Government has the legal right to exile prisoners but did not do so in 1986.

There is no forced or compulsory labor in Guinea-Bissau.

e. Denial of Fair Public Trial

The judicial system is based on the Portuguese model, with some exceptions. Intervals between arrest and trial are often lengthy. All defense lawyers are court appointed, as private legal practice is prohibited. The judiciary is part of the executive branch. Trials involving state security are not open to outside observers and are conducted by military tribunals. FARP members are tried by military courts for all offenses. The Supreme Court is the final court of appeal for both civilian and military cases except those involving national security matters, in which cases the Council of State reviews all decisions.

Former Vice President Paulo Correia, former Deputy Minister of Justice Viriato Pa, and four others who had been arrested in October 1985, were charged with plotting a coup, tried before a military court in June 1986, and subsequently sentenced to death. They were executed by firing squad on July 17, 1986, despite appeals for clemency by Presidents Mitterand of France and Soares of Portugal, the Pope, Amnesty International, and all Western Chiefs of Mission accredited to Bissau. Six others who were sentenced to death had their sentences commuted to 15 years of hard labor. President Vieira justified the executions as necessary to preserve national security, declaring that former Vice President Correia had attempted a coup once before and that all of those executed had sought to incite ethnic divisions within the society to overthrow the Government. Forty-five other defendants in the treason trial were sentenced to varying prison terms.

GUINEA-BISSAU

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution guarantees the inviolability of domicile, person, and correspondence. These guarantees are not always respected in cases of serious crimes or state security where, for example, the use of search warrants is rare. International and domestic mail is subject to surveillance and/or censorship.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of intellectual, artistic, and scientific expression, with the significant exception of cases in which these rights are exercised in a manner "contrary to the promotion of social progress." In fact, the Government controls all information media and views the press as a vehicle of the party. Self-censorship by journalists is common. However, some criticism and questioning of policies is permitted, although never of individual officials. In June the Government expelled a Portuguese journalist, who had written of local corruption and human rights violations, when he refused to reveal his sources.

b. Freedom of Peaceful Assembly and Association

The Constitution guarantees freedom of assembly and association, and government approval is not required for peaceful assemblies and demonstrations. However, all existing organizations and associations are linked to the Government or the party, including the sole labor union, the National Union of the Workers of Guinea-Bissau (UNTG). The UNTG is affiliated with the Communist-controlled World Federation of Trade Unions and is a member of the Organization of African Trade Union Unity. Strikes, while not specifically forbidden, do not occur. Manufacturing is extremely limited and all major enterprises are state owned. Thus, the overwhelming majority of salaried workers are employees of the state, and the union is forbidden to organize these public workers.

c. Freedom of Religion

Religious freedom is guaranteed by the Constitution and has been respected. Christians, Muslims, and animists worship freely, and proselytizing is permitted. However, a new and growing religious movement known as the Yanque-Yanque has emerged and its practices have caused the Government concern. This movement, founded a few years ago by a woman who claims to receive visions and to have healing powers, finds its support mainly among young Balantas (the same ethnic group from which most of the coup plotters came). Yanque-Yanque is a monotheistic religion which rejects traditional animist, Christian, and Muslim values and is charactized by unusual and sometimes violent rituals which include the taking of a locally produced narcotic mixture. These rituals have occasionally caused physical harm to participants and even to individuals outside the movement. Moreover, the Yanque-Yanque reject modern social and economic structures including, by implication, the Government. At this time Yanque-Yanque does not constitute a political movement. Nevertheless, the Government has questioned, detained, and occasionally arrested several Yanque-Yanque leaders, often on narcotics charges. The occasional taking of drugs, without any legal repercussions, is a characteristic of the rituals of some other local religions.

GUINEA-BISSAU

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government introduced several steps to ease restrictions on freedom of movement within the country, emigration, and foreign travel. President Vieira abolished the network of roadblocks set up to control smuggling, and Guinea-Bissauans can now travel freely throughout the country. The President also made it easier for citizens to obtain passports and, though the Government does not encourage emigration, spoke of his understanding of the economic conditions which have compelled thousands to emigrate. He also invited all Guinea-Bissauans living abroad to return home without fear of retribution. While sympathetic to the principle of asylum, Guinea-Bissau does not host significant numbers of refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Guinea-Bissau is led by the PAIGC party and military (FARP) elite, headed by President Joao Bernardo Vieira. By the terms of the Constitution, all political activity must take place within the party/state structure. The 1984 electoral slates for the National Popular Assembly at the district, regional, and national levels were party-prepared lists. Write-in or opposition candidacies were not permitted. The President, members of the Council of State, and National Popular Assembly deputies are elected to 5-year terms. There are provisions for revision of the Constitution and national referendums. Change occurs through Presidential decisions supported by the Council of State. No single ethnic group dominates party/government positions, but the fact that the city of Bissau is located in a Papel and creole (mixed-race) inhabited zone guarantees these two groups disproportionate representation within the Government. Women have legal equality with men and hold some influential jobs within the party and the Government. The current Secretary of State for Labor and Social Security and the President of the National Assembly are both women. Foreigners residing in Guinea-Bissau are entitled to the same rights as citizens, except for the right to vote and hold public office.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

President Vieira welcomed the visit of an Amnesty International team during the coup plot trials in June, pointing out that such a visit would not be allowed by many African nations. The Amnesty team, however, was tightly scheduled and had little time for making independent contacts while in Bissau. The team observed the trials for 1 day. President Vieira continues to invite international delegations to visit and inspect human rights conditions in Guinea-Bissau. There are no local human rights groups operating in the country.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The population of Guinea-Bissau comprises diverse tribal groups, each with its own language, customs, and social organization. The Fula, Mandinga, Balanta, and Papel are important groups. The underdevelopment of the country precludes any one ethnic group from asserting itself economically or politically, as all groups are desperately poor. Creoles enjoy a somewhat

advantageous position within the society, due to their generally higher level of education and their links to Portugal and Cape Verde. However, this has not resulted in economic or political domination. President Vieira has spoken repeatedly of the need for creating a stronger sense of nationhood. His public statements concerning the July executions of coup plotters reflect his belief that they were seeking to divide the society in order to assure the domination of the Balanta ethnic group. The Balanta group is the largest in Guinea-Bissau but does not constitute a majority of the population. There is no evidence of any strong dissatisfaction among the Balanta, other than the general disaffection over economic conditions which is common in Guinea-Bissau.

Discrimination against women, while officially prohibited, continues within certain ethnic groups, especially the Muslim Fulas and Mandinkas of the north and east. Among those groups female circumcision is still practiced, despite official prohibition and educational campaigns against this custom. Women enjoy higher status in the societies of the Balanta, Papel, and Biagos groups living mainly in the southern coastal region.

CONDITIONS OF LABOR

In an overwhelmingly rural and agricultural society, traditional division of labor practices, both between sexes and age groups, continue to prevail. Children in all rural communities work in the fields and at home for no pay. The Government does not attempt to discourage this practice and, in fact, delays the opening of schools until the rice-planting season has ended. Even in the small modern sector, labor laws are ill-defined and unevenly enforced in Guinea-Bissau, due primarily to the extreme economic underdevelopment of the society. However, there are government regulations covering such matters as job-related disabilities and vacation rights; and the Government is soon expected to approve the draft of a new labor code, which will set a minimum age of 14 for general factory labor and of 18 for heavy or dangerous labor, including all labor in mines. The normal work week is 39 hours. There is no minimum wage.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GUINEA-BISSAU

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	5.0	4.1	0.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	5.0	4.1	0.4
A.AID	2.0	3.5	0.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.0	3.5	0.4
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	3.0	0.6	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	3.0	0.6	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	3.0	0.6	0.0
E.RELIEF.EC.DEV & WFP.	3.0	0.6	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	5.0	4.1	0.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	5.0	4.1	0.4
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	18.7	16.3	0.0	124.2
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	8.0	16.0	0.0	68.9
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	9.6	0.0	0.0	37.8
UNDP	0.5	0.3	0.0	15.8
OTHER-UN	0.6	0.0	0.0	1.7
EEC	0.0	0.0	0.0	0.0

KENYA

Kenya has been a one-party state by law since 1982, and the President, Daniel arap Moi, maintains firm control over both the Government and the party, the Kenyan African National Union (KANU). The role of the party has grown significantly in recent years, especially in 1986, when Moi personally led a massive party membership campaign. Kenya has a popularly elected National Assembly of 158 members, and 12 additional members are appointed by the President. Parliament plays a minor role in policy initiatives, although it is involved frequently in local and regional issues. Within the one-party system, there is considerable competiton for parliamentary seats. The Government allegedly interferes in some especially sensitive cases to ensure that certain candidates are elected. In 1986 the Government attempted to tighten control over the party electoral process by proposing a law requiring that all voters (with the exception of certain members of the clergy, civil service, and military) physically queue behind candidates on election day, thereby effectively eliminating the secrecy of the ballot. Parliament has not yet enacted this proposed controversial voting requirement, which could apply to all party elections and the preliminaries to the general elections scheduled for 1988.

Although the Kenyan economy has recovered from the 1984 drought, its annual gross national product growth of approximately 4.5 percent has barely kept pace with the growth in population, approximately 4 percent annually. Unemployment continues to rise as more than 300,000 new workers enter the job market each year, while the economy annually generates at most 40,000 new wage-earning positions. Kenya has a well-developed private sector and produces not only most of the food it consumes but also an exportable surplus of corn in good years. The Government has begun to display an awareness of the need to promote even greater privatization in most areas of the economy, including inefficient public corporations.

The human rights situation in Kenya was subject to some strain in 1986. As a result of agitation by a clandestine dissident group called "Mwakenya", some individuals were detained and released, while others were tried, convicted, and incarcerated. Still others fled the country out of fear of being arrested or detained. Little is known publicly about the group except that it was founded in 1981 in the Kikuyu division of Kiambu district outside Nairobi.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of politically motivated killings.

b. Disappearance

There were no instances when people disappeared under suspicious circumstances. Some uncharged detainees, e.g., from the Mwakenya, are still being held, but the disappearance of any of them would be unprecedented in Kenyan politics.

KENYA

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is specifically proscribed under the Constitution. Isolated reports of police torture do not suggest that torture is commonly practiced, but rather indicate that physical abuse and degradation are occasionally carried out by some persons without official Government sanction. When allegations of torture do emerge, they are usually investigated by the Government. Police, however, often use excessive force in apprehending suspected criminals, and some suspects have allegedly been killed while fleeing the scene of a crime.

Prison conditions in Kenya are poor, and Amnesty International has expressed concern over the treatment of detainees as well as of prisoners who have been formally tried and convicted. The Preservation of Public Security Act of 1982 allows prisoners to be held in solitary confinement, with almost no outside contact with families and legal counsel. In at least one case in 1986, there were serious allegations of denial of medical treatment to a political prisoner. Prisoners are often required to sleep on cold cement floors which are sometimes covered in urine because of inadequate toilet facilities. Overcrowding has recently become a problem in some jails, especially in Nairobi. Correspondence with prisoners is monitored, censored, and frequently not delivered. Security officials are always present when detainees or prisoners consult with family members or attorneys.

d. Arbitrary Arrest, Detention, and Exile

The Government has from time to time secretly detained persons implicated in alleged antigovernment activities. Since resuming the practice of formal detention without charge, the Government has detained or restricted 18 persons under the Preservation of Security Act, including 5 in 1986 in connection with Mwakenya. Ten uncharged detainees were released in 1983-84, and one in 1985. At present, nine persons are being held under the Act. Seven of these are being held under suspicion of Mwakenya involvement, and two for alleged links to the 1982 coup attempt. A total of 37 Kenyans were tried, convicted, and sentenced for sedition in connection with Mwakenya. Forty-nine more were released after questioning.

Other Kenyans have been seized and held, usually for short periods, without being detained. Approximately 60 to 65 soldiers and airmen were jailed after the 1982 coup attempt. Thirty-four were released in June 1986, while the rest are still being held. They are subject to military jurisdiction, and none has been charged with a crime.

Aside from the detention cases falling under the Preservation of Public Security Act and the unprecedented circumstances resulting from the attempted coup of August 1982, detained persons generally have the right to a judicial determination of the legality of their detention. Kenyan law requires that persons charged with crimes be brought biweekly before judicial authorities in public court to ensure that investigations are conducted in a timely manner and that prisoners are not mistreated. The degree of compliance with the biweekly review requirement varies, however, according to the individual magistrate responsible for assuring adherence to these procedures. Detainee cases are reviewed every 6 months by a confidential detainees review tribunal.

KENYA

Self-exile has become a course of action frequently chosen by Kenyan dissidents. As a result of the 1982 coup attempt and the 1986 Mwakenya controversy, several critics of the Government have fled the country, including one former member of Parliament, Koigi Wa Wamwere. The exiles claim that they fled to avoid detention for their political views. The Government regards them as voluntary exiles and asserts that all are free to return to Kenya. One Kenyan journalist, who had returned from self-exile in July after reportedly receiving official assurances of freedom from arrest/prosecution, claims to have been detained, held incommunicado for 2 days, and expelled from the country after being formally stripped of his Kenyan citizenship. His alleged offense was the authoring of articles critical of the Government while abroad. However, neither exile nor the threat of exile is routinely used by the Government as a means of coercion or intimidation.

Kenya has not ratified the International Labor Organization (ILO) convention No. 105 on The Universal Abolition of Forced Labor. Although forced labor is not practiced in Kenya, the Kenyan Government has retained the colonial "Chiefs' Authority Act," a provision of which empowers chiefs to coerce labor under certain circumstances. While forced labor may technically be legal in some cases, this provision of the Chiefs' Authority Act has not been invoked since independence.

e. Denial of Fair Public Trial

The Kenyan judiciary usually exhibits considerable independence. In cases involving detention under the Preservation of Public Security Act, its authority is limited to ensuring compliance with procedural provisions. Aside from these security cases, the right to a fair public trial is usually observed, although long delays and postponements are common.

Civilians are tried in civilian courts, and verdicts may be appealed to the Kenyan high court. High court justices, however, are appointed and dismissed solely at the pleasure of the President and are thus susceptible to executive pressure. Military personnel are tried by military courts, and verdicts may be appealed. Judge advocates are appointed on a case by case basis by the chief justice. Members of the press regularly attend and report on court proceedings, both civilian and military. Kenyans do not have a right to representation by legal counsel, except in certain capital cases. Most, but not all, persons tried for capital crimes are provided counsel free of charge if they cannot afford it.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Security officials occasionally conduct illegal searches to apprehend suspected criminals or seize allegedly stolen property. In 1986 searches and security sweeps were conducted in areas along the Ugandan border in an effort to apprehend illegal aliens and uncover smuggled goods, especially firearms. The homes of suspected dissidents, including university professors, have also been entered and searched, usually for alleged subversive or incriminating documents. Security forces reportedly occasionally employ surveillance techniques and electronic invasion of the home.

KENYA

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press are proclaimed in the Constitution. In practice, however, these freedoms have been narrowly interpreted by Kenyan authorities (e.g., Parliament is not permitted to discuss foreign affairs). The existence and use of the detention provisions of the Preservation of Public Security Act discourage public exchange of views on political topics. There is no systematic formal censorship of the Kenyan press, but in April a major Nairobi newspaper published a list of 18 widely varying publications which are prohibited in Kenya. The publications, which attack the Government as authoritarian and undemocratic, are mostly published abroad and are prohibited under sections 63 and 52 of the penal code. Pressure has also been brought on journalists and publications not to stray too far from the prescribed government line. In some instances journalists have been fired or detained without charge. Government officials regularly caution editors against printing information they wish withheld from the public, and the editors usually comply. However, during the recent controversy about queueing in future elections, the press printed strong arguments from politicians and the clergy against the Government's position. The press occasionally reports unflattering news about government civil servants but rarely criticizes government leaders and never criticizes or attacks the President. The Government also discourages political activism by university faculty and students. Kenya's institutions of higher learning, especially the University of Nairobi, have frequently been closed and not reopened until assurances were given that students would cease political activity. Kenyan officials regularly denounce university lecturers for alleged disloyalty and the preaching of tribalism.

Kenya has a 30-member film censorship board under the auspices of the Ministry of Culture and Social Sciences. While the board must approve all films shown in Kenya, a variety of uncut foreign films are available in Kenya. A 10-member television censorship board has established guidelines that govern what can be shown on television.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly and association are guaranteed by the Kenyan Constitution, although these rights are limited by the Public Order and Police Act, which gives local authorities wide powers to control public gatherings. It is illegal to convene an unlicensed meeting, and politicians have been investigated or arrested for violations of this statute. Licenses to hold public meetings are rarely denied. When they are, it is usually on the grounds that the proposed meeting might disturb civil order. With the exception of civil servants, who are required to join KANU, Kenyans are not officially required to join any political organization. Some Kenyans complained of intimidation and harassment during the 1986 KANU recruitment drive. Party membership has in fact become a test of one's loyalty to the Government. It is seen increasingly as a prerequisite to enjoying the full benefits of Kenyan citizenship. The Government and the party itself both claim that party membership is strictly voluntary.

Kenya has a relatively free trade union movement. Its only trade union confederation, the Central Organization of Trade

Unions (COTU), is affiliated with the Organization of African Trade Union Unity. The employees of all permanent enterprises employing at least 7 persons may be organized into trade unions. Approximately 75 percent of such workers are actually unionized, but the widespread use of temporary workers inhibits organizing efforts. In fact, unions represent a greater number of workers in collective bargaining than actual membership suggests because nonunion workers are frequently covered by collective bargaining agreements negotiated for their respective enterprises. Union elections in 1986 have thus far demonstrated that democracy still exists in the Kenyan trade union movement. Some recent campaign practices, however, (such as excluding certain members from running for office) prompted the Minister of Labor to urge unions to overhaul their constitutions to permit freer expression of dissenting views.

Complex labor legislation renders strikes virtually illegal. Strikes are permitted only if the Ministry of Labor has not taken action toward resolution within 21 days after the formal declaration of a dispute. Wildcat strikes of 1 or 2 days are quite common. Most union disputes are settled by the parties involved, although Kenya's dispute resolution mechanism, the Industrial Relations Court, has a well-earned reputation for fairness and impartiality. All union contracts in Kenya are subject to Government guidelines which limit salary increases. Some unions that have been unable to get the total allowable increase through collective bargaining have had success, however, in obtaining the maximum salary increase through litigation in the Industrial Court. Some unions have also gained additional workers benefits, such as expanded health insurance coverage and increased housing allowances. All collective agreements must be approved by the Industrial Court, which has become the model for several other industrial courts in Africa.

A few professional organizations such as the Law Society of Kenya have been formed.

c. Freedom of Religion

A wide range of religious groups exists in Kenya, and freedom of worship is protected by the Constitution. The Government, however, in 1986 criticized church leaders for alleged meddling in politics, notably the queueing question, and refused to register religious groups which it believes may pursue activities harmful to Kenyan society. Nevertheless, foreign missionaries are permitted to enter and work in Kenya, and there is no specific religious requirement for holding political office. The Church of Jesus Christ of Latter-day Saints has tried without success to obtain registration for the past 4 years. The Government, however, has not interfered with Mormon meetings, nor has it registered any other church during this period.

In 1986 the Government and some church leaders disagreed over the proposed new voting procedure to require voters to express their preferences by physically queueing behind their chosen candidates instead of using the ballot box. Many of the most respected church leaders publicly expressed the view that the proposed voting shift represents a further decline in the democratic systems of the country. Subsequently, the Government announced that church leaders (and others in certain specified positions) would be exempted from the proposed

queueing requirement. Church leaders continue to oppose the proposed law.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Travel within Kenya is restricted only by certain provisions of the Preservation of Public Security Act, which limits movement of persons considered dangerous to public security. These provisions are rarely invoked. Following the 1982 coup attempt, the Government expanded the controls over travel abroad. Although Kenya does not officially prohibit emigration of its nationals, in some cases the Government has seized the passports of controversial Kenyans.

Kenya continues to accept refugees, despite the country's high rate of unemployment. In 1986 Kenya accepted over 8,000 documented refugees, most of whom were from Uganda, Ethiopia, and Rwanda. An estimated 20,000 more persons have taken refuge in Kenya unofficially. Unrest in Uganda has prompted many Ugandans to enter Kenya illegally, and the Kenyan Government has begun to tighten security in order to limit their numbers.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

President Moi and a small group of advisors control all major policy decisions in the Government and the party. Within the one-party system, a wide range of candidates competes for party and National Assembly positions. In the most recent general election (1983), up to 15 candidates contested a single parliamentary seat. In that same election, 35 percent of parliamentary incumbents were voted out of office, including 5 ministers and 18 assistant ministers. Some critics see the proposed queueing system as a means to tighten party control over the electoral process.

In Kenya's postindependence history, neither the President nor the Vice President has faced an opposing candidate. The Government encourages but does not coerce the electorate to vote. Members of all ethnic groups are permitted to run for office, and President Moi has broadened ethnic representation in the Government and party. Persons from 12 different ethnic groups hold cabinet portfolios. Sixteen groups, including Europeans, are represented among the 43 assistant ministers in the Government. Three women hold seats in the National Assembly. More than 20 female candidates were elected to municipal office in 1983. The range of allowable discussion on domestic issues in the National Assembly is fairly broad, although there is no criticism of the President or any of his policies.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is sensitive to criticism regarding human rights in the country. Various groups, including Amnesty International, have appealed to the Government to abandon its use of formal detention without charge. President Moi has publicly criticized Amnesty International and other outside groups for meddling in Kenyan politics. There are several Kenyan organizations which address certain issues related to human rights, but none which focuses exclusively on human

rights in Kenya. Kenya has not ratified the Organization of African Unity's Human Rights Charter adopted at that organization's 1981 summit in Nairobi.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Kenya is a diverse country that does not practice legal discrimination on the basis of race, sex, religion, language, or social status. Despite recent gains by women in many fields, and the emergence of influential women in Parliament, Government ministries, and the professions, they remain underrepresented in educational institutions, government, and business. This is not a matter of policy, but rather the product of a traditional culture that has long prescribed very limited roles for women. Women are a crucial factor in Kenyan labor and provide about three-quarters of Kenyan farm labor. Female farm labor is likely to maintain its prominent position because of the continuing migration of men to cities in search of higher-paying jobs. In the modern sector, women earn less than men for comparable work. Many Kenyan ethnic groups still practice female circumcision, although the Government has mounted a major effort to eliminate the practice and forbids such operations to be conducted in Government facilities.

Kenya's Asian community, which numbers about 65,000, accounts for approximately one-quarter of the country's total economic output. Kenya's Africanization campaign has resulted in some Asian emigration, and many Asians are concerned about the long-term implications of the policy. Kenya amended its citizenship law in 1984, depriving many Asians and Europeans of Kenyan citizenship. Under the present law, people born in Kenya of non-Kenyan parents can no longer claim Kenyan citizenship.

CONDITIONS OF LABOR

Kenya's population of approximately 21 million is projected to double early in the 21st century. Urbanization continues to accelerate rapidly, but approximately 80 percent of Kenyans still live in rural areas, and most are employed in subsistence or semisubsistence agriculture. Of approximately 1 million persons who work in the wage economy, approximately 50 percent are government employees.

The legal minimum age for employment in Kenya is 16, but the law, which is reviewed periodically by the Government, is virtually unenforceable, and many children begin work at an earlier age. Kenya has adequate legislation to provide acceptable and safe conditions for workers, including occupational safety and health, but the Government is unable to enforce compliance. The maximum legally allowable work week in Kenya is 52 hours. A minimum wage is established.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: KENYA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	71.8	76.9	46.5
LOANS.....	30.2	9.5	1.7
GRANTS.....	41.6	67.4	44.8
A.AID	53.3	39.8	42.7
LOANS.....	25.4	0.0	1.7
GRANTS.....	27.9	39.8	41.0
(SEC.SUPP.ASSIST.)...	21.0	25.0	14.4
B.FOOD FOR PEACE.....	13.6	32.6	0.0
LOANS.....	4.8	9.5	0.0
GRANTS.....	8.8	23.1	0.0
TITLE I-TOTAL.....	4.8	9.5	0.0
REPAY. IN $-LOANS.....	4.8	9.5	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	8.8	23.1	0.0
E.RELIEF.EC.DEV & WFP.	5.6	17.4	0.0
VOL.RELIEF AGENCY.....	3.2	5.7	0.0
C.OTHER ECON. ASSIST...	4.9	4.5	3.8
LOANS.....	0.0	0.0	0.0
GRANTS.....	4.9	4.5	3.8
PEACE CORPS.....	4.9	4.5	3.8
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	23.6	21.7	20.6
LOANS.....	10.0	0.0	0.0
GRANTS.....	13.6	21.7	20.6
A.MAP GRANTS.....	12.0	20.0	19.1
B.CREDIT FINANCING....	10.0	0.0	0.0
C.INTL MIL.ED.TRNG....	1.6	1.7	1.5
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	95.4	98.6	67.1
LOANS.....	40.2	9.5	1.7
GRANTS.....	55.2	89.1	65.4
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	303.5	76.4	98.5	2425.4
IBRD	145.0	32.6	0.0	1194.6
IFC	47.2	12.4	1.5	129.5
IDA	64.5	6.0	75.0	775.2
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	41.3	15.3	0.0	132.9
UNDP	5.5	3.7	0.0	71.8
OTHER-UN	0.0	6.4	0.0	23.5
EEC	0.0	0.0	22.0	97.9

LESOTHO

On January 20, 1986 the regime of Prime Minister Leabua Jonathan, in power since independence, was ousted by the Lesotho Paramilitary Force (LPF). The coup leaders established a Military Council, abolished the post of Prime Minister, and formally conferred all legislative and executive power on Moshoeshoe II, the previously powerless King of Lesotho. The military leaders and the King rule by decree but appointed a mix of civilians and military officers to a restructured Council of Ministers to administer the day-to-day operations of the new Government. The new regime banned "political activity" for an unspecified period.

The reasons for the military takeover, led by Major General J.M. Lekhanya, were complex but were rooted in the fact that the Jonathan regime, which itself had illegally seized power in 1970 after adverse electoral results, had alienated not only key Basotho power elements but also the general population. In addition, the South Africans had virtually closed the land borders because of concerns over African National Congress (ANC) cross-border operations and were publicly threatening more direct action if the Jonathan Government did not root out ANC presence in Lesotho.

A landlocked country completely surrounded by South Africa, Lesotho is almost entirely dependent on South Africa for trade, finance, and employment. About half of the male labor force is employed in South African mines, and remittances from workers ($250-$300 million annually) are of key importance in the economy, especially in financing imports.

The new Government adopted a policy of national reconciliation upon its assumption of power and did not engage in harsh reprisals against members of the former Government. It called for the return of Basotho nationals who had exiled themselves for political or economic reasons in the past, although Ntsu Mokhehle, the exiled leader of the Basotho Congress Party and the outlawed Lesotho Liberation Army (LLA) rejected the government's general amnesty. In 1986 there was a vast improvement in personal security with the disarming of nonpolice and nonmilitary personnel undertaken after the coup.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There have been three incidents since December 1985 which involved political killings. In early December 1985, three citizens of Lesotho and six South African exiles were killed in a nighttime raid in Maseru by unidentified assailants. Reportedly, the perpetrators of these killings were assassins operating against suspected ANC members and/or sympathizers. In March 1986, two senior officers of the Royal Lesotho Defense Force (formerly Lesotho Paramilitary Force), awaiting trial on charges stemming from events surrounding the January 1986 coup, died mysteriously while in prison. Despite many rumors, there has not been a credible explanation for these killings. The authorities claimed that both men died of natural causes, but the results of the autopsies and of further investigations were never publicized.

LESOTHO

Former Minister of Information Desmond Sixishe and former Minister of Foreign Affairs Vincent Makhele, along with their wives, were abducted from the home of Mrs. Sixishe's sister on November 15, 1986, taken to a mountain road, and murdered. The two former ministers were among the principal radicals in the Jonathan cabinet. The police investigation into the crime was continuing at the end of 1986 amidst much public speculation as to perpetrators and motives, e.g., the settling of old scores by Basotho or the possibility of action by an LLA or a South African assassination team. Some observers speculated on possible Military Council involvement or complicity in the crime.

b. Disappearance

The reports of known disappearances during 1986 concerned several refugees from South Africa who reportedly were lured, or perhaps kidnaped, by elements operating from South Africa and reportedly taken across the border into the Republic of South Africa. There have been no credible reports of disappearances of Basotho nationals.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The advent of the new military Government resulted in a decrease in the number of allegations of improper police and military conduct. While it is probable that some beatings and harsh interrogations, particularly of criminal suspects, continued to take place, the new Government does not condone torture or other forms of cruel or harsh treatment by police or military authorities. Incidents of police abuses that do occur are believed to be the result of overzealousness at lower levels and lack of proper supervision.

d. Arbitrary Arrest, Detention, or Exile

Since the January coup, the treatment of civilian and military personnel associated with the Jonathan regime has generally been good. There were several periods of interrogation of some former ministers, but there were no instances of politically motivated arrest and/or prolonged jail detention or evidence of intent to take severe retributive action against members of the former government or their supporters. In response to continued public statements and alleged "plotting" in August, the military Government restricted the movement of several former ministers, including Jonathan, to their immediate home areas.

Well established procedures remain in effect under the new Government for normal civil and criminal cases, including the right of a detainee to an early determination as to the legality of the detention. However, in political cases, the Internal Security (General) Act of 1982 applies. This Act provides for preventive detention without charge or trial for up to 42 days and for holding detainees incommunicado for part of that time. During the second stage of the detention, ministerially appointed "advisors"--thus far, such advisers have been employees of the Government--report on the health of the detainee, investigate whether the detainee has been involved in subversive activities, and advise the Minister on the need for continued detention. Detainees may make representations on their own treatment only through the advisors. The Internal Security (General) Act, as amended

in 1984, disallows bail in cases of armed robbery and allows for detention of witnesses in security cases.

Knowledgeable observers report that they know of no persons in custody as a result of alleged political activities under the new regime. A credible government official denies that the practice of political detention exists.

There is no forced labor practiced in Lesotho.

e. Denial of Fair Public Trial

The new military regime did not institute legal proceedings against Jonathan or other members of his regime for political or other crimes. From time to time senior government spokesmen raised the possibility of trials for individual politicians of the Jonathan era who may have committed common crimes, as opposed to political acts unacceptable to the new Government. The only persons incarcerated and subjected to either the threat of trial or actual court action were a small number of soldiers from the Lesotho Paramilitary Force who, in effect, mutinied against the Force command structure just prior to the January 20 coup. As noted in 1.a., two of those persons died mysteriously while in custody. Court martial proceedings were reportedly instituted against several others in early November.

The judiciary in Lesotho remains independent under the new Government. The courts have acted to limit infringements of law and procedure on numerous occasions in past years. Court decisions and rulings are respected by the authorities. Accused persons have the right to counsel. Under the system of Roman-Dutch law applied in Lesotho, there is no trial by jury. The judiciary consists of a Court of Appeal, the High Court, magistrate courts, and customary or traditional courts which exist largely in rural areas to administer customary tribal laws.

The new regime is attempting to increase familiarity with the law and its protection of individual rights through the established educational system. The King's "Practical Law in Lesotho" project, which is backed by the Ministers of Law and Education as well as by the judiciary, is intended to introduce a layman's course on these subjects into the Lesotho high school curriculum.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

These rights are generally respected in Lesotho, although under the Internal Security Act the police have wide powers to stop and search and to enter homes or other places for a similar purpose without a warrant. During the Jonathan regime, there were credible allegations of forced entry by authorities into the home. There were no such reports in 1986.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Human Rights Act of 1983 provides for freedom of expression but subordinates this freedom to the protection of national security. Early in 1986, a formal ban on "politics" was announced. Although there has been little or no elaboration of the limits of that ban, it has been interpreted in practice

by the public as prohibiting formal political party activity, including prohibiting persons from making political speeches or publishing or distributing political party materials. Thus under the new Government, public freedom of speech in the political arena is tightly restricted. In private, however, the Basotho tend to openly criticize the Government and the political system.

Opposition viewpoints are expressed freely in two Sesotho-language weekly newspapers published by the Roman Catholic Church and the Evangelical Church respectively, the only privately owned newspapers in the country. During the Jonathan regime, this criticism was tolerated but was attacked strongly by Lesotho's sole (and government-owned) radio station and also by the government-published weekly newspaper, Lesotho Today. The former Government also rebutted reporting and editorials on Lesotho in the South African media, which is widely followed in Lesotho. The new Government has adopted policies which have not exposed it to much adverse comment from the South African media.

The new Government still exerts control over the official media, (one radio station and a weekly newspaper) but did not resort to use of this media in 1986 to attack its critics. In fact, apart from a few editorials and comments in the church papers, mainly pressing the military Government to continue its effort to bring back into the political life of the country Ntsu Mokhehle and his Lesotho Liberation Army, there has been remarkably little criticism from any quarter. This lack of criticism was due in part to the military Government's popularity in 1986, in contrast to that of its predecessor.

b. Freedom of Peaceful Assembly and Association

The military Government's ban on "politics" has not been interpreted to require the dissolution of existing political parties, but it precludes political meetings and rallies. Nonpolitical organizations and professional groups continue to exist and hold their regular meetings.

Numerous individuals within the society meet privately to discuss politics and may be working out future strategies for their activities as members of political parties when the current ban is ultimately lifted. The military Government takes a relaxed view of this situation and has made no attempt to inhibit such political discussion and advance planning.

All trade unions in Lesotho enjoy the right to organize, bargain collectively, and strike. However, trade unionism has played a relatively minor role in society, largely because of the small size of the modern manufacturing, retail, and service sectors. In 1984 the Government intervened to urge the formation of a single trade union confederation after negotiations for the merger of the two existing confederations broke down. Although some opposition to the new confederation lingers, 24 of Lesotho's 28 trade unions participated in the Lesotho Congress of Free Trade Unions' (LCFTU) first convention in May 1985 and elected the existing leadership to a 3-year term. The LCFTU redrafted Lesotho's badly outdated labor laws, and agreement to the new draft by the Employers Federation is expected in 1987.

Union, government, and employer representatives have participated in delegations to meetings of the International Labor Organization and other foreign trade union organizations.

LESOTHO

Lesotho has hosted meetings of the labor arm of the Southern African Development Coordination Conference, as well as meetings of the International Mineworkers. The LCFTU is a member of the democratically oriented International Confederation of Free Trade Unions, as well as of the Organization of African Trade Union Unity.

c. Freedom of Religion

There is no state religion in Lesotho. Free and open religious practice is permitted. Christianity is the dominant faith of the majority of Basotho, with the principal denomination being Roman Catholic. There is a significant Protestant minority as well, which is composed of the Lesotho Evangelical Church (Presbyterian), the Anglican Church, and a number of other smaller denominations. Conversion is permitted, and there is no indication that there is any social or political benefit attached to belonging to any particular sect.

A number of church groups praised the new Government's call for national reconciliation, and some groups were outspoken in asking the Government to redouble its efforts to reintegrate Ntsu Mokhehle and his exiled LLA into the country's political life. The previous Government was critical of church groups and leaders, accusing them of conspiring with opposition political factions which supported violence. Occasionally, Jonathan's forces harassed prayer meetings calling for national reconciliation.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

As one of its first major acts, the new Government declared a general amnesty for all Basotho in exile, which was specifically aimed at Ntsu Mokhehle, exile leader of the Basotho Congress Party (BCP), and his followers. The Government maintains that they are free to return without fear of retaliation for past activities. However, Mokhehle's attitude indicated that he wishes to return only if he can be guaranteed a leading, if not the leading, position in the existing Government.

According to the Lesotho Christian Council of Churches, more than 500 Basotho who were resident primarily in Botswana and South Africa, including BCP/LLA members, have returned to Lesotho. Their reception has been positive, despite financial difficulties, since the Government has limited funds available to assist in the repatriation process.

Concerning refugees from South Africa, the Government wishes to reduce tensions with South Africa and at the same time has declared its intent to honor past commitments to receive all refugees who cross into Lesotho seeking asylum. Accordingly, the Government arranges movement of all refugees into amenable third countries, primarily Zambia, Tanzania, and Kenya, as soon as possible after they are formally registered as refugees. To prevent ANC armed acts against South Africa from Lesotho territory, the Government announced in midyear that all foreign nationals who enter or who previously had entered Lesotho improperly must register as refugees or they would be subject to repatriation to the country from which they came. By the time this policy was announced, many ANC and other activists had already departed Lesotho.

LESOTHO

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The military Government which assumed power in January 1986 announced that it intends to remain in place until the process of national reconciliation has been effected. No terminal date for this process has been announced, nor has any tentative schedule been set for return to civilian rule, elections, or constitutional revision. Thus, the Basotho people currently do not have the freedom to replace the existing Government, but, after 16 years of authoritarian rule by the Jonathan regime, the initial popular reception of the new Government was generally positive, especially its goal of national reconciliation.

The ~~Gover~~nment initiated one political institution-building step in 1986 that may ultimately lead to a tiered system of indirectly elected representative organs. At the end of the year, each village in Lesotho was in the process of establishing a Village Development Committee, with members of the Committee initially selected by village consensus. The objectives of these Village Committees were not clear but seemed aimed at determining the line of economic development the village should pursue, seeking funds for individual development projects, and then implementing them. The Government also began preliminary planning for regional and ward development committees as the next steps in developing political bridges between the villages of the country and the national Government. King Moshoeshoe, in a speech to the nation December 24, called the committees "town councils" and said he viewed them as "the beginning of a road to a national assembly of the future."

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The human rights situation in 1986 has drawn no known interest on the part of international human rights organizations. There is no reason to believe that the new Government would be unwilling to discuss human rights issues with outside organizations.

In past years, representatives of Amnesty International have visited Lesotho to investigate human rights conditions and have been provided access to some security detainees who complained of abusive treatment. In general, the Jonathan Government attributed alleged human rights violations to an excess of zeal or indiscipline by low-level police or military officials, stated that such violations were not sanctioned by Government policy, and pointed to the judicial remedies available in the courts.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Basotho nation is one of the rare national entities on the African continent without a minority problem. All citizens are basically of Basotho stock or have married into the Basotho tribal grouping. The expatriate communities are small and not considered to be a major factor in the country's political life. Exiles from South Africa have from time to time encountered some discrimination, since these exiles are often viewed as magnets for real or fancied South African political or armed intervention.

LESOTHO

All Basotho have fairly equal opportunities, although in the areas of property and contracts married women's rights are limited by law and custom. For example, a married woman cannot apply for a loan without her husband's written consent. Women in Lesotho have traditionally been the stabilizing force in the home and in the agricultural sector, given the absence of over 100,000 Basotho men who work in South Africa. There are more female than male children who complete primary and secondary schools. Better use of women's talents and abilities will depend on their access to credit, changes in land tenure laws, and cultural practices. The new Government has not yet addressed the issue of women's rights.

CONDITIONS OF LABOR

Roughly, 90 percent of the labor force in Lesotho is employed in traditional agriculture. The prospect of better paying jobs has attracted more than half of Lesotho's male labor force to the Republic of South Africa. Most of the migrant laborers work in South Africa's gold and coal mines.

Lesotho's Employment Act of 1967 spells out basic workers' rights, including a 45-hour workweek, a weekly rest period of at least 24 hours, 12 days' paid leave per year, and pay for public holidays. Employers are required to provide adequate light, ventilation, and sanitary facilities for employees and to install and maintain machinery to minimize the risk of injury. Children under 14 years of age are prohibited from employment in other than family businesses. Children under 16 are not allowed to work in excess of 8 hours a day, and employers are prohibited from employing any child in hazardous conditions. The Government sets minimum wages for various types of work. In practice, these regulations are generally followed within the wage-scale economy.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: LESOTHO

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	22.2	20.2	11.5
LOANS.....	0.0	0.0	0.0
GRANTS.....	22.2	20.2	11.5
A.AID	10.0	10.8	10.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	10.0	10.8	10.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	10.7	8.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	10.7	8.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	10.7	8.0	0.0
E.RELIEF.EC.DEV & MPP.	4.6	2.7	0.0
VOL.RELIEF AGENCY.....	6.1	5.3	0.0
C.OTHER ECON. ASSIST...	1.5	1.4	1.5
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.5	1.4	1.5
PEACE CORPS.....	1.5	1.4	1.5
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	22.2	20.2	11.5
LOANS.....	0.0	0.0	0.0
GRANTS.....	22.2	20.2	11.5
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	32.7	51.2	0.0	233.7
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.3
IDA	15.2	13.5	0.0	98.9
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	16.6	36.1	0.0	105.3
UNDP	0.9	1.6	0.0	25.9
OTHER-UN	0.0	0.0	0.0	3.3
EEC	0.0	0.0	0.0	0.0

LIBERIA

Liberia is in a transition from military to civilian rule. Legally, the process is nearly complete. The Second Republic of Liberia came into being on January 6, when the new Constitution became effective. Samuel K. Doe, previously head of the military government which came to power in a 1980 coup, remains in the executive mansion as President and head of the National Democratic Party of Liberia (NDPL), the ruling political party. The legislature, consisting of a House and Senate along American lines, and the Supreme Court and lower courts are in place and functioning. Elections to complete the civilianization process in municipal and county offices took place in late 1986 and were scheduled to continue in early 1987.

Politically, however, Liberia has not overcome the controversy and uncertainty caused by events which occurred during the transition. The 1980 coup and the interim 5 years of military rule also have witnessed an unprecedented degree of political violence. This violence included public executions of former government officials, widespread political thuggery, and an aborted coup attempt by exile dissidents in 1985. While Liberia is no longer ruled by a military government, the army, whose enlisted members are generally poorly educated and inclined toward petty extortion, continues to provide the major support for the current administration. There is also a new element of tribalism, with President Doe's small Krahn tribe dominating a new elite in somewhat the same way the Americo-Liberians he and his enlisted colleagues overthrew in 1980 dominated Liberia for 140 years. Domestic tension heightened in late 1985, when October elections--in which Doe's NDPL's claim of a narrow victory was widely believed to have been fabricated--were followed a month later by a coup attempt launched from neighboring Sierra Leone by exile dissidents. The bloody coup attempt, followed by harsh government reprisals, reintroduced political violence on a scale similar to the 1980 coup and left bitter memories on all sides to be overcome.

Suspicions remain on both sides. Intimidation has not been eliminated, sometimes occurring by unruly government followers, and Liberians have valid reason to be concerned about the prospect of undisciplined military forces and coercive political measures. During most of 1986, government restrictions fell heavily on opposition parties, particularly in the aftermath of the abortive November 1985 coup. Opposition meetings were prohibited or broken up, and the supporters harassed. Their efforts to form a "grand coalition" of opposition parties were blocked by the Government's contention that such a coalition was patently illegal, and their leaders consequently faced contempt proceedings which resulted in a judge incarcerating three of them in Liberia's maximum security prison.

Liberia's mixed economy suffered a significant decline in 1986, with foreign exchange shortages and continued government mismanagement accelerating an economic decline. The lack of government fiscal discipline and serious mismanagement are the most important factors in the current economic difficulties, exacerbated by large foreign debts, weak export markets, and widespread misuse of government funds. The Government has conducted a fairly comprehensive analysis of the problem and formulated an economic recovery program, but its implementation is seriously flawed.

LIBERIA

During 1986 Liberian society struggled to recover from the events of late 1985, and, by the end of the year, political conditions had improved substantially. There were efforts at national reconciliation negotiations between the Government and opposition leaders, all political prisoners were released, no newspapers were banned (although three different papers were the target of various government actions and there is considerable self-censorship), the legislature was beginning to assert its constitutional prerogatives, and travel rights had been restored to former detainees. While the December legislative byelections and municipal elections appeared fair, the only opposition party participating in those elections withdrew 3 days before the voting. Administrative arrangements were faulty, but there were no serious allegations of organized or widespread fraud. There was no evidence of politically motivated killings or disappearances during 1986, and the extent of political violence and intimidation decreased steadily.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were substantial numbers of killings during 1985, some connected with the attempted November 1985 coup and many more with subsequent reprisals. Reports of these violent reprisals in late 1985 continued to emerge during early 1986. There was, however, no evidence of political killings occurring during 1986.

b. Disappearance

As was the case with political killings, reports of disappearances associated with the 1985 coup attempt occasionally surfaced later. There was no evidence of official complicity in disappearances during 1986.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The new Constitution, implemented on January 6, 1986, states that no person charged, detained, or otherwise held in confinement shall be subject to torture or inhuman treatment. Beating and abuse of prisoners--both criminal and political--is fairly common. While there is no evidence that these beatings have official sanction, there have been no evident government efforts to halt them. There have been instances of government soldiers abusing opposition party officials. Two members of an opposition political party were beaten severely by executive mansion bodyguards prior to a planned political rally. After they were released from the hospital, they were brought to court to answer charges of holding a rally without a permit. In another case, soldiers took two opposition party officials to a military barracks where they said they were tortured and beaten. The officials said the soldiers tried to force them to make statements against the leadership of their party, which they refused to do. They were released and hospitalized. Soldiers have also been involved in beatings and abuse of nonpolitical civilians. Soldiers reportedly flogged eight high school students for allegedly stealing $1,000.

Prison conditions are bad. Cells are often small, overcrowded, and without windows or ventilation. Food, exercise opportunities, and sanitation facilities are usually inadequate. An opposition leader complained that she and other prisoners in her group were not fed the first 3 days of their incarceration, probably due to inept prison management. Allegations of abuse and degrading treatment within the prison system are widespread. The maximum security prison at Belle Yella is notorious for its harsh regimen, including hard labor and especially poor living conditions.

d. Arbitrary Arrest, Detention, or Exile

The Constitution guarantees due process of law. Though police must have a warrant for arrests and persons must be charged or released within 48 hours, in practice these constitutional guarantees in 1986 were often ignored in political cases. Persons have the right to legal counsel and to bail in noncapital offenses. Where the accused is unable to secure his or her own lawyer, the court is required to provide legal services. There was only one case in 1986 which involved a court-appointed attorney. Monrovia has an abundance of attorneys who regularly handle civil and criminal cases, often without payment.

As many as several hundred persons, detained in the aftermath of the November 12, 1985, coup attempt, were detained without charge or any judicial review of their detention for several months into 1986. All were released in June. One prominent opposition party leader, arrested shortly after the attempted coup in November 1985, still had not been brought to trial 6 months later. There were allegations that the grand jury wanted to dismiss the case for lack of evidence, and an indictment was brought in her case only after some members of the grand jury were arbitrarily replaced. When finally indicted in April, the indictment itself did not conform to minimum international legal standards since the charges included such acts as "overtly embracing" an alleged coup plotter. The preliminary trial proceedings were under way on June 6 when President Doe announced a general amnesty for all those involved in the November 12, 1985, coup attempt. In another case, an opposition leader, arrested and charged with sedition, was denied access to counsel for 4 days. Six members of the Liberian Border Police were held for nearly 7 months in detention before they were formally charged with treason. They were also released in the June 6 amnesty.

Some miscarriages of justice appear due more to administrative slip-ups than to malice. For example, the Monrovia city court released several detainees, held for 2 to 3 months, from the central prison because no writs of arrest could be found, and there was insufficient evidence for their conviction.

The Constitution prohibits forced labor, and the practice is firmly condemned by the Government.

e. Denial of Fair Public Trial

Liberia's civilian court system is based on Anglo-American jurisprudence. The Constitution guarantees fair public trials and states that there shall be no interference with the lawyer-client relationship. There are constitutional guarantees for lawyers against government sanctions or interference in the performance of legal services. Three lawyers, active in human rights and political cases, were

suspended from practice by the Supreme Court, one for 2 years and the other two for 1 year each. They were suspended as a result of what the court called "unethical and unprofessional zeal" in defense of opposition politicians in the "grand coalition" case. The legal system is often subject to manipulation by the Government, but the opposition employs technicalities to its own advantage as well. Reports of financial or political pressure on lower courts are not uncommon, but there is generally greater respect for Supreme Court rulings.

In one of the most prominent cases of the year, the Supreme Court charged four opposition leaders with contempt and ordered each to pay a fine of $1,000 or go to jail. This was based on a June 23 press statement in which the opposition parties referred to themselves officially as a "grand coalition" in violation of an earlier ruling declaring the "grand coalition" an illegal entity since it had not undergone the proper registration procedures. One of the opposition leaders paid the fine and was released, three others refused and were taken to the Monrovia central prison. They were subsequently transferred to Belle Yella, a maximum security prison in Lofa County, for what the Government said were security reasons, but the transfer was contrary to the writ of arrest and constitutional guarantees against detainees being incarcerated among convicted prisoners.

The wives of the three jailed opposition leaders submitted a writ of habeas corpus to a Monrovia court to challenge the legality of their husbands' detention. The judge denied the writ on the grounds that he had no authority in Supreme Court cases. Their fines were later paid, and they were released.

There are credible reports that the Government pressures judges in political cases. The presiding judge in the well-publicized treason trial of alleged coup participants was accused of bias for his handling of the case. There were credible reports that partisans from both the prosecution and the defense attempted to bribe the jury. Reportedly, the judge attempted to intimidate the jury when it failed to render a guilty verdict. Court proceedings came to a standstill when the judge left the city after reading the verdict privately and did not return until ordered to do so by his superiors. He ordered a retrial, but the defendants were released on June 6 under the general amnesty before the case could be retried. The Liberian National Bar Association submitted a petition calling for the judge's impeachment as a result of his actions during the trial.

Traditional courts, presided over by tribal chiefs, are not bound by common law or conventional judicial principles but apply customary and unwritten law to domestic and land disputes as well as petty crimes. These decisions may be reviewed in the statutory court system or appealed to a hierarchy of chiefs; administrative review by the Internal Affairs Ministry and, in some cases, a final review by the Head of State may follow. Allegations of corruption and incompetence in the traditional courts are common.

There are currently no known political prisoners in Liberia. In addition to the June 6 general amnesty, President Doe in September granted clemency to two military officers detained because of alleged involvement in an April 1985 assassination attempt.

LIBERIA

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution guarantees the rights of individuals against interference with privacy of person, family, home, or correspondence except by court order.

For the most part, Liberians are free of invasion of privacy or state interference in their lives. However, despite significant improvement since the immediate post-1980 coup period, military indiscipline remains a problem reflecting a general lack of professionalism in the armed forces. This surfaces in random instances of harassment of the civilian population, such as vehicle searches, shakedowns, or arbitrary interrogations. In some instances, persons are compelled to undergo further questioning at police or military headquarters. Members of the opposition complain frequently about surveillance by government security officials. At one point in 1986, several opposition leaders avoided sleeping in their own homes, but this is no longer the case. In at least one case, government agents maintained conspicuous surveillance of one opposition personality and subjected her and her family to blatant harassment, including threats of physical harm. Opposition members often complain that their telephone calls are monitored.

Thefts from the local mail have been reported, and there have been instances of tampering with international mail. There is no evidence that this is officially sanctioned.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The right to freedom of expression is guaranteed by the Constitution and includes freedom of speech and of the press. The Constitution also stipulates that persons are held "fully responsible for the abuse thereof." Decree 88a, passed by the military Government in 1984, declares the spread of "rumors, lies, and disinformation" a felony. During its 1986 session, the Senate voted to repeal Decree 88a, but the House of Representatives did not, and it remains in force.

There were five daily newspapers being published in Monrovia at the end of 1986, only one of which is government controlled. Among the independent papers, there is considerable open sympathy toward opposition viewpoints.

At the opening of the rural radio system, President Doe issued a warning to journalists, stating that "any journalist caught disrupting the peace and stability of the nation will be dealt with under the law and will be barred from practicing journalism." In August the Information Minister asserted that some journalists were in the pay of the opposition and that those who abused their constitutional guarantees would be subject to the penalties of the law. He also warned foreign journalists that anyone provoking disunity would be deported.

Such warnings and administratively imposed fines resulted in a certain degree of self-censorship. In April one independent daily newspaper was fined $200 by a senate committee for failure to credit the official news agency with a certain statement about a student demonstration. In August the Ministry of Information fined another daily newspaper $1,000 for incorrectly reporting the death of an imprisoned opposition

leader. The newspaper refused to pay the fine, and the newspaper's stance was sustained by the courts. The following month, the Sun Times newspaper was fined $3,000 for reprinting a resolution passed in July by a Liberian opposition group in the United States which was highly critical of President Doe's Government and called for imposition of economic sanctions against Liberia until he was overthrown. The newspaper's license was revoked when it did not pay the fine within the prescribed period. The newspaper must pay the fine and reregister before it can resume publication.

The independent Daily Observer, which had been banned in early 1985, reopened in August 1986. A mysterious fire in March in its publisher's office prevented the paper from resuming publication earlier. The publisher also received threats from government officials. The editor of another independent newspaper, Footprints, cited financial problems and a government threat as reasons for his decision to cease publication. In March President Doe lifted the ban on the Press Union of Liberia. Practicing journalists are required to be accredited by the Minister of Information, but procedures procedures are lax and there are journalists, including foreigners, without up-to-date accreditation.

The authority for government sanctions against independent newspapers is based on Decree 46, which established the Ministry of Information and gave it supervisory power over the media. The spirit of Decree 46 appears to contradict the guarantee of a free press contained in the Constitution enacted January 6. However, the Supreme Court has not been asked to rule on the matter.

There is no general prohibition against receiving foreign publications, but the Government occasionally bans a particular issue of a foreign periodical. The magazine West Africa, which published articles critical of President Doe, is still banned in Liberia.

The government-controlled Liberian Broadcast System runs one radio and one television station which give priority to government news. The Government's rural communication network offers a combination of entertainment and development information to otherwise isolated areas. Two religiously affiliated, independent radio stations are in operation and report critically on local events, though their news programs have also been subjected to government scrutiny.

b. Freedom of Peaceful Assembly and Association

The right to peaceful assembly and association is guaranteed in the Constitution. A 1975 law requires permits for public marches and demonstrations. Government auditoriums and schools are theoretically open for use by all parties. However, there are frequent opposition complaints of unfair treatment in practice. Permits for rallies and marches are only selectively granted. When opposition meetings do take place, participants have been subjected to intimidation and harassment. Joint rallies and even organizational meetings of the collective opposition are not allowed. An opposition rally scheduled for March 21 was stopped by a writ of prohibition issued by the Supreme Court. The Supreme Court ruled that the rally was illegal because, among other reasons, the group had not requested permission from the Ministry of Justice in accordance with the 1975 law. In April another rally in Monrovia ended in violence. The leaders of the

opposition party and 37 supporters were arrested and charged with not having a permit for the rally. The charges were subsequently dropped.

In early August, three opposition parties wrote separate letters to the Justice Ministry requesting permission for a march on August 18. The Justice Minister warned that the march was illegal on the grounds that the Supreme Court had ruled that the three parties operating as one entity constituted an illegal association. At the same time, an organization of "concerned women" publicized plans for a similar march on the same day to deliver a petition of grievances to the Justice Ministry and then an identical petition to the American Embassy. After warnings from the Justice Ministry that such marches were illegal and inflammatory, the women held a prayer service attended by the "concerned women," as well as other opposition party members. After the service, some demonstrators began walking toward the Ministry, and the police used tear gas to disperse the crowds. Three people--two "concerned women" and one journalist--were briefly arrested.

The ruling NDPL party maintains a "task force," composed of several hundred young men, mostly unemployed, which opposition parties claim exists for the sole purpose of harassing and intimidating political opponents. Confrontations between party zealots--e.g., the ruling party's task force and opposition bodyguards and some members--were frequent, particularly early in 1986. The task force disrupted an opposition rally outside Monrovia, beating participants. The Government says it does not authorize such activities, and 33 task force members were arrested. In August other incidents against opposition leaders led to the arrest of 12 task force suspects. Early in January 1987 a number of task force leaders were detained on misdemeanor writs issued by the Ministry of Justice in connection with threats against government officals.

There is no formal policy within the Government or business community requiring membership in the ruling NDPL. However, many Liberians believe that a prospective employee's chances are substantially improved if he is an NDPL member. Continuing to hold a government position is also allegedly easier if one is an NDPL member. Most senior officials of the major opposition parties who had been employed by the Government or state-owned organizations lost those jobs.

In 1986 the House of Representatives voted to repeal the 1981 Decree 2a, which bans student political activity on campuses. Although the Senate has not yet acted, and Decree 2a technically remains in effect, the students have been involved in political activities on campus without restrictions and with the approval of the universities and the Government. Student elections were held without incident at Cuttington University in June and at the University of Liberia in October.

Workers have the right to form unions, organize, and bargain collectively. Liberia has a national trade union confederation, the Liberian Federation of Labor Unions (LFLU), as well as several independent unions. Organized labor represents only 20 percent of the workers in the monetary sector of the economy. Approximately 70 percent of all workers are engaged in subsistence agriculture and are not affected by the union movement. Union organizing, collective bargaining, and the internal operations of trade unions are largely free from government interference. Decree 12 of the

military Government outlawing strikes is still operative in Liberia, but brief strikes have occurred despite this ban. In two strike actions this year, the workers returned to work after the Supreme Court issued an injunction against the strike. Underlying the strike actions was the issue of union recognition. In one case, the newly created labor court ruled for management against the workers, who had struck to protest management's refusal to recognize their union since they work for state-owned corporations. The labor court ruled that the strike would have led to chaos and would have robbed the Government of much needed revenue. The other strike action is currently awaiting a Supreme Court ruling and concerns a union still in the process of accreditation.

The LFLU is a member of the Brussels-based International Confederation of Free Trade Unions, as well as the continent-wide Organization of African Trade Union Unity. In 1985 the Liberian Government was cited by the International Labor Organization (ILO) for violations of ILO Convention 87, regarding freedom of association, because Liberian legislation does not recognize the right of Liberians in the public service or in government enterprises to unionize or the right to strike. The Liberian Government, the unions, and employers have jointly drafted a new labor code which eliminates the objectionable legislation cited by the ILO, but the new labor code has not yet been passed by the Senate. An ILO representative visited Liberia in 1986 to promote the labor code and encourage its passage.

c. Freedom of Religion

The Constitution states that freedom of religion is a fundamental right of all Liberian citizens. No religion has preference over any other, and there is no established state religion. Christianity, brought by 19th century settlers and spread through the interior by missionaries, has long been the religion of the political and economic elite. The majority of the rural population continues to practice local religions. Approximately 20 percent of the population is Muslim. The Liberian Council of Churches, an organization comprised of most of the Christian sects in Liberia, has earned the respect of Liberian society and played a major role in the ongoing reconciliation efforts between the Government and the opposition parties held in mid-1986. During 1986 reports surfaced of conflict between several Christian communities and the traditional and secret male initiation society, Poro, resulting in beatings of church members and damage to church properties. The dispute revolved around Poro assertions that Christian clergy were divulging Poro secrets in their campaign to win converts. The Government sent officials to investigate and subsequently convoked tribal leaders to Monrovia, but thus far it has been unsuccessful in eliminating the problem.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution guarantees every person the right to move freely throughout Liberia and to leave and enter Liberia at any time. In practice, however, both domestic movement and foreign travel sometimes are restricted. Police and military check points were evident within Monrovia and throughout Liberia, although less so as the year wore on. This has the effect of impeding movement, especially after dark, when police check private and public transportation. It is common

for individual citizens to pay bribes at the checkpoints to avoid being harassed.

Exit visas are required for departure and occasionally are denied. A week after President Doe granted executive amnesty to all persons accused of activities related to the November 1985 coup attempt, the Government imposed a foreign travel ban on them, and a number of passports were confiscated. The ban was lifted in late December. One opposition leader, under the restrictions of the travel ban and denied an exit visa, fled the country. Another opposition official, after having received an exit visa, had her passport confiscated at the airport, although it was later returned, and she was allowed to leave. In midyear, while Monrovia teachers were on strike, the president of the teachers' union was denied an exit visa to take advantage of a United States Information Service international visitor's grant. Opposition party figures on occasion have been prevented from leaving Monrovia to travel in the interior.

Refugees are not generally forced to return to the countries from which they have fled.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Political power remains concentrated in the hands of the President and ruling party, the NDPL, which still rely to a large degree on the military for control. The legislature is dominated by the NDPL, and although the Government, if determined, can get its way, consultations take place and the legislature is beginning to assert itself. Liberians have long maintained at least a formal commitment to democracy and the importance of law in society. In 1985 multiparty elections took place, and legislative byelections and municipal elections were held in late 1986. The 1985 elections were marred by significant irregularities, but the 1986 elections were apparently open and fair. Decree 88a, the courts, the elections commission, and the police have been employed to constrain opposition parties and leaders. Thus, in Liberia, despite constitutional guarantees and universal suffrage, representative democracy has not yet been achieved.

The new Constitution of the Second Republic prohibits the creation of a one-party state. Free and fair elections by secret ballot are guaranteed. The Constitution provides for an elections commission to monitor all political activities in the country. The elections law empowers the commission to certify parties, conduct all elections, and count election ballots. The five commission members are appointed by the executive for life and currently are all ex-NDPL members. Representatives of the opposition argue, therefore, that a prerequisite for fair elections is the creation of a more independent vote-counting mechanism.

The opposition accuses the elections commission of abusing its powers under the Constitution and elections law to limit the effectiveness of the opposition parties. They cite commission threats to revoke the registration certificates of the three opposition parties for continuing to act as a "grand coalition" in violation of the Supreme Court ruling. President Doe also has publicly and arbitrarily warned the opposition leaders not to function as a single political entity.

The first byelections were held in December. Six legislative seats were contested, and the NDPL won all six. Three opposition parties refused to participate. A fourth party, the United Peoples Party (UPP), was unbanned in October. It had proposed candidates in the by-elections but withdrew 3 days before the elections. The UPP's complaints about election procedures were largely met a week before polling day. Independent candidates also participated and were elected, but turnout was very low in these municipal elections and byelections.

President Doe and the opposition parties (excluding the UPP) held reconciliation talks under the auspices of the Liberian Council of Churches in May and June. The talks broke down over opposition demands for new general elections. Reconciliation efforts under private auspices started again in October. The Liberia People's Party (LPP) remains technically banned. However, members of the LPP have affiliated themselves with other groups, and the LPP as an organization has virtually disappeared from the local scene.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government met with an official from the International Committee of the Red Cross (ICRC) in February and allowed an ICRC representative to meet privately with all political prisoners in February. Foreign observers, including the American Bar Association, Amnesty International, The Lawyers Committee for Human Rights, The International Human Rights Law Group, and The Fund for Free Expression were allowed to cover the treason trial of James Holder, Robert Phillips, and Anthony Marquee.

After press speculation about the health of the three opposition leaders held temporarily at Belle Yella, the Government permitted representatives of the independent press and a film crew to fly to the prison to interview the prisoners. The three prisoners appeared healthy and talked freely.

A nonpartisan group of Liberians formed a human rights organization in Monrovia called The National Alliance for Peace and Human Rights. The Government did not cooperate in its request for formal incorporation, but there has been no attempt to prevent it from meeting.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution states that "only persons who are Negroes or of Negro descent" shall qualify by birth or naturalization to be citizens of Liberia. The Constitution also states that only Liberian citizens can own land. Otherwise, there is no officially sanctioned discrimination on the basis of race, sex, religion, language, or social status.

President Doe's small Krahn tribe has a predominant role in the new elite which has been established since the overthrow of the Americo-Liberians in 1980. Members of the Krahn tribe hold a disproportionate number of posts in the Government and the military.

LIBERIA

The status of women varies depending on the region of the country. In urban areas and along the seacoast, women can inherit land and property. In rural areas where traditional ties are strongest, a woman is normally considered the property of her husband and his clan and is not usually entitled to inherit from her husband. In newly urban areas, many women are subject to both customary and statutory legal systems. Female circumcision is widely practiced by those Liberians following traditional religions. Women in Liberia have held ministerial and ambassadorial positions and are represented in the professions throughout the modern economy. Women hold two cabinet posts and several national judicial positions. There are two women in the national legislature, one in the Senate and one in the House. The Ambassador to the United States is a woman.

CONDITIONS OF LABOR

Liberia's labor laws provide for minimum wages and health and safety standards. The workweek is normally 40 hours. Inspection is not rigorous, however. Employees are prohibited from employing children under 16 years of age during school hours. This is a difficult statute to enforce, especially since many children are engaged in subsistence farming. Any employee can file a grievance with a labor inspector. A labor court was created in 1986 to address grievances of recognized labor unions.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: LIBERIA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	66.0	69.1	47.8
LOANS.....	15.0	6.0	0.0
GRANTS.....	51.0	63.1	47.8
A.AID	48.0	59.5	44.9
LOANS.....	0.0	0.0	0.0
GRANTS.....	48.0	59.5	44.9
(SEC.SUPP.ASSIST.)...	35.0	43.0	28.7
B.FOOD FOR PEACE.....	15.1	6.0	0.0
LOANS.....	15.0	6.0	0.0
GRANTS.....	0.1	0.0	0.0
TITLE I-TOTAL.....	15.0	6.0	0.0
REPAY. IN $-LOANS.....	15.0	6.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.1	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.1	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	2.9	3.6	2.9
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.9	3.6	2.9
PEACE CORPS.....	2.9	3.6	2.9
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	12.8	13.2	5.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	12.8	13.2	5.7
A.MAP GRANTS.....	12.0	12.0	4.8
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.8	1.2	0.9
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	78.8	82.3	53.5
LOANS.....	15.0	6.0	0.0
GRANTS.....	63.8	76.3	53.5
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	98.6	11.4	8.5	431.7
IBRD	0.0	0.0	0.0	156.0
IFC	0.2	0.0	8.5	9.2
IDA	18.1	7.6	0.0	114.5
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	79.6	0.0	0.0	107.0
UNDP	0.7	0.3	0.0	26.6
OTHER-UN	0.0	0.0	0.0	7.5
EEC	0.0	3.5	0.0	10.9

MADAGASCAR

Madagascar is governed by a President, a National Popular Assembly, both elected by direct universal suffrage, and a Supreme Revolutionary Council chosen by both the President and the National Assembly. President Didier Ratsiraka has broad constitutional powers, and his position is further strengthened by the influential role played by his political party, AREMA, which holds an overwhelming majority in the National Popular Assembly. The President's role has evolved in recent years into that of a power broker among various competing interests. Elections are actively contested within the controlled political framework sanctioned by the Government. This framework permits political activity by only the seven parties making up the National Front for the Defense of the Revolution. However, the political orientation of the seven parties ranges from moderate and pro-Western to pro-Soviet. Vigorous debate in 1985-86 National Popular Assembly sessions, negative votes by opposition parties, and an unprecedented vote against a presidential proposal (to establish a national business school) provide evidence that the Assembly is becoming less of a "rubber stamp" organization. The President chairs the Supreme Revolutionary Council which is composed of political and regional leaders and representatives of the military forces. The Council approves basic policy and guidelines, convenes and adjourns the National Assembly, and passes laws when the Assembly is not sitting.

The Malagasy internal security system is composed of the urban police force and the National Gendarmerie, which has jurisdiction in the provinces. On occasion, the National Peoples' Army has also been used for internal security purposes.

The Malagasy Constitution adopted in 1975 made "socialism" the State's political philosophy. This led to the nationalization of a major portion of the economy. The private sector was reduced to a secondary, albeit still important, role. The economy subsequently deteriorated as production declined, foreign debt rose, and unemployment grew, especially among the youth (60 percent of the population is under age 25). However, in recent years the Government instituted economic reform measures, and agricultural production has increased.

Fundamental liberties and individual rights are guaranteed by the Malagasy Constitution. However, several of these rights, such as freedom of the press and freedom of assembly, are restricted in practice. Rights such as the inviolability of the home and due process, may also be disregarded in cases involving state security. Fighting in recent years between paramilitary and vigilante youth groups has led to a number of deaths and considerable property destruction.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person Including Freedom from:

a. Political Killing

There were recurring rumors of politically motivated killings. In May 1986, the Minister of Defense, his Secretary General, and the Director of the OMNIS (the military office of strategic industries), were killed in a plane crash along with eight other people. While there is no evidence that the plane

was sabotaged, the Government launched an official inquiry into the matter, the findings of which have yet to be published. Amnesty International in its 1986 Report (covering 1985) called on the authorities to investigate the death of Father Sergio Sorgone, a Roman Catholic priest, who may have been killed for political reasons by members of the T.T.S., a paramilitary youth group which supports the Government, as well as the deaths of four other priests who may have been victims of political killings.

In 1986 there was no further violence involving members of the T.T.S. and the "kung-fu" movement. In December 1984, street fights between kung-fu martial arts enthusiasts and government-sponsored youth groups escalated into a riot. When the victorious kung-fu groups then began to play a vigilante role in Antananarivo's poorer districts and began to represent a threat to the State, the Government responded in August 1985 by attacking kung-fu headquarters. The kung-fu adherents responded with attacks on outlying gendarmerie posts and an army camp. In their suppression of the kung-fu threat, the military entered some homes without court orders and ransacked them, shot some suspects on sight, and arrested others without formal charges. The official count of 20 dead, 31 wounded, and 208 arrested compares with reports from credible sources of 50 people killed and 300 arrested.

b. Disappearance

Despite one press report, there were no confirmed cases of politically motivated disappearance.

c. Torture, and Cruel, Inhuman, or Degrading Treatment or Punishment

While there were no documented cases of physical torture occurring in Madagascar, some organizations in the security apparatus have a reputation for ruthless methods, notably the state secret police. The kung-fu prisoners have allegedly suffered from very cruel treatment while in detention. There have also been credible reports of the alleged use of torture by the armed forces in the Government's campaign against outlaw bandits in Madagascar's southwest.

Malagasy prisons are overcrowded and increasingly inhumane in terms of living conditions. A prison built to hold 500 prisoners in Antananarivo is said to have 1,500 occupants. Some prisoners are not fed regularly, medical care is not provided, infections are commonplace, prisoners rarely have the opportunity to wash, and clothing is not provided. The death toll rises significantly among prisoners during the cold winter months.

d. Arbitrary Arrest, Detention, or Exile

In a normal criminal case, the accused must be charged or released within 3 days of arrest. Defendants in ordinary criminal/civil cases are generally charged formally within the specified time frame, and, upon being charged, are allowed to obtain a lawyer. Counsel is readily available, and court-appointed counsel is provided for indigents.

Persons suspected of activity against the State may be legally detained incommunicado for 15 days, subject to indefinite extension if considered necessary by the Government. In the

past, certain defendants involved in coup-plotting cases were detained without being brought to trial for periods ranging from 20 months to over 5 years. Such extended periods of pretrial detention are exceptions and are usually limited to cases involving national security.

At the end of 1986 there were 36 kung-fu members still being held in Arivonimamo prison with no trial planned or scheduled. One detainee is a woman.

Forced labor is not practiced in Madagascar.

e. Denial of Fair Public Trial

The Malagasy Constitution provides for an independent judiciary and, in practice, the judiciary seems to function without outside influence from the executive.

The judiciary has three levels of trial courts: lower courts for civil and criminal cases carrying limited fines and sentences, a Court of Appeals which includes a Criminal Court for cases bearing sentences of 5 years or more, and a Supreme Court. The judiciary also has a number of special courts designed to handle specific kinds of cases under the jurisdiction of the higher courts. A High Constitutional Court, with a totally separate and autonomous status, watches over the constitutionality of laws, decrees, and ordinances and ensures the legality of elections. A High Court of Justice, charged with prosecuting malfeasance in the government, is provided for in the Constitution but has never come into existence. A Military Court has jurisdiction over all cases involving national security.

A trial date and court have not yet been announced for the 36 kung fu adherents who remain in prison. The trial could take place in either the Military Court or the Criminal Court of the Court of Appeals.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The State does not generally intervene in nonpolitical aspects of the lives of the people. The home is inviolable under Malagasy law, and intrusions into an individual's residence, except in political or sensitive cases, must be made under the authority of a search warrant. Although government economic policies limit the choices open to an individual, the Malagasy may make their own decisions, without government coercion or interference, in such matters as changing jobs or residence, marriage, having children, and joining permitted political parties or social organizations.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Private citizens have limited freedom to criticize government officials and policies without fear of arrest by the local authorities, but such criticism must be carefully worded. Direct criticism of the President or the "Socialist revolution" is not tolerated.

Madagascar has one of the highest literacy rates in Africa, and Malagasy citizens attach great importance to the press.

What is printed in the newspaper often has an impact on the nation's policy-making apparatus. Critical examination of a range of policy issues such as economic management, transportation, and education can be found in the media. However, censorship is prescribed by the Government and executed by the Ministry of Interior. Copies of the daily newspapers are submitted to the censors prior to printing. When censorship is enforced, the newspapers leave blank those columns where the offending articles would have appeared. There is one government owned newspaper. The two major independently owned newspapers are Madagascar Matin and Midi Madagasikara. Several other dailies and weeklies are published by party groups and independent publishers, including the outspoken and candid Catholic newspaper, La Croix. The Government owns the radio and television stations.

b. Freedom of Peaceful Assembly and Association

The rights of assembly and association are restricted. Permits are required to hold public meetings and can be denied by the Government if officials believe that the meeting poses a threat to the State or endangers national unity. Persons and groups belonging to parties of the National Front are permitted to organize and assemble. Nevertheless, since political activity by groups outside the National Front is prohibited, dissenting political opinion is limited.

Although the right to organize labor unions is recognized, unions do not play a major role either politically or economically. The labor force of 4.9 million is mostly agrarian, and union labor accounts for less than 5 percent of the total. Unions are permitted to strike and conduct substantive wage negotiations, but because of the depressed economy, strikes have been few, and trade unions have been relatively quiescent. Most unions are affiliated with National Front Parties.

c. Freedom of Religion

The Government is secular and there is no official religion. There is no discrimination on the basis of religious affiliation, and persons are free to follow the faith of their choice. Missionaries and clergy are generally permitted to operate freely, and the Government has so far made no effort to restrain Christian churches which have become more active in criticizing government policies. Over half of the population is either Catholic or Protestant, with the remainder following traditional Malagasy religious beliefs or other faiths.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government has imposed no restriction on travel within the country. Official approval must be obtained for trips outside the country, but there has been only one known instance in which approval was denied due to the person's political views. Foreign travel is impeded by the difficulty in obtaining foreign currency. The Malagasy franc is not convertible abroad, and the Government limits the amount of hard currency that can be obtained for foreign travel. There is no refugee population in Madagascar.

MADAGASCAR

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government.

The electorate's choice is constrained by the nature of the political system, since the only political parties allowed to operate in Madagascar are those which are members of the National Front. However, there exists a range of ideological and policy views among the seven Front parties, and within this spectrum there are viewpoints represented that are at odds with the policies of the administration. Thus, the electoral process does give the voters a chance to choose among candidates expressing differing views in local and regional elections, as well as in the National Assembly and presidential campaigns. The 137 members of the national Assembly are elected by universal suffrage for 5-year terms. The last election was in 1983. The electoral process, although not completely free from irregularities, has been essentially straightforward in recent elections. The political system in Madagascar also reflects a considerable degree of regional balance.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has not cooperated with groups wishing to investigate alleged human rights violations and has denied visas to Amnesty International representatives. When the President's opponent in the 1982 election campaign called for supervision of the elections by Amnesty International, the President rejected the proposal as being in derogation of national sovereignty. In the absence of private human rights groups, the Christian churches in the country have taken the lead in advocating human rights. Although the Government is sensitive to criticism emanating from this quarter, it has not officially responded to questions or criticisms from the churches or any other group.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There appears to be no practice of institutional or systematic discrimination on the basis of ethnic grouping or sex in Madagascar. Although there are numerous indigenous ethnic groups, the society is relatively homogenous due to a common language and a tendency for disparate cultures to draw together in an island environment. However, ethnic Indian, Chinese, and French communities have experienced some resentment from the Malagasy mainly because of their success in commerce. These groups have occasionally been the target of local government policies favoring Malagasy nationals.

Madagascar has what is essentially a matriarchal society, and a highly visible role for women has long been recognized as an integral part of the country's sociological framework. Women have a lengthy tradition of involvement in high-level political activity, and currently women are members of the Cabinet, the Supreme Revolutionary Council, and the National Assembly. Women are also very active and play major roles in the various political parties. Women have a prominent role in the business and economic life of the country, with many of them managing or owning business concerns or filling management positions in state industries. Education at all levels is open to women. However, women in rural areas and

among the poor face a greater degree of hardship. In addition to the responsibilities associated with child rearing and household management, economic necessity forces these women to engage in farm labor or other similar activities. These conditions stem more from socioeconomic factors than from a discriminatory bias against women in Malagasy society.

CONDITIONS OF LABOR

The Malagasy Work Code and its enforcing legislation describe the working conditions required for employees. The Code describes a child as any person, regardless of sex, under the age of 18. The minimum age for employment is 14, but the use of child labor is prohibited in those areas where there is apparent and imminent danger. There is a 44-hour workweek in nonagricultural and service industries. There are also provisions for holiday pay, sick and maternity leave, and insurance. The Work Code has rules concerning building safety, machinery and moving engines, operational safety, and sanitation standards. It appears that in practice, the rules and regulations of the Code are adhered to by employers and are enforced by the authorities.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MADAGASCAR

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	13.8	18.1	3.1
LOANS.....	8.0	11.0	0.0
GRANTS.....	5.8	7.1	3.1
A.AID	0.6	5.4	3.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.6	5.4	3.1
(SEC.SUPP.ASSIST.)...	0.0	3.0	2.9
B.FOOD FOR PEACE.....	13.2	12.7	0.0
LOANS.....	8.0	11.0	0.0
GRANTS.....	5.2	1.7	0.0
TITLE I-TOTAL.....	8.0	11.0	0.0
REPAY. IN $-LOANS.....	8.0	11.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	5.2	1.7	0.0
E.RELIEF.EC.DEV & MFP.	3.9	0.1	0.0
VOL.RELIEF AGENCY.....	1.3	1.6	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.1	2.2	1.5
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	2.2	1.5
A.MAP GRANTS.....	0.0	2.1	1.4
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.1	0.1	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	13.9	20.3	4.6
LOANS.....	8.0	11.0	0.0
GRANTS.....	5.9	9.3	4.6
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	114.3	113.9	52.3	1029.7
IBRD	0.0	0.0	0.0	32.6
IFC	0.0	6.7	0.0	26.6
IDA	30.6	67.0	52.3	545.6
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	76.3	29.3	0.0	153.4
UNDP	7.4	5.8	0.0	63.1
OTHER-UN	0.0	5.1	0.0	15.5
EEC	0.0	0.0	0.0	192.9

MALAWI

The President of Malawi, Dr. H. Kamuzu Banda, has maintained nearly undisputed control over political life and government since he led the country to its independence in 1964. He was proclaimed "Life President" in 1970. Political activity is limited to participation in the sole legal party, the Malawi Congress Party. Military, police, and party security organs suppress opposition to the Government and monitor a wide range of activities.

Malawi inherited a parliamentary form of government from Great Britain. Elections are held every 5 years; all candidates must be members of the Malawi Congress Party and approved by the President. Constitutional amendments and laws passed by the 124-member Parliament reflect decisions already taken by the President.

Malawi is a small densely populated, landlocked country whose principal assets are moderately fertile soils, good water resources, and a climate favorable to crop production. Since independence the Government has used good planning and wise investment of the limited available resources to promote economic development. However, despite substantial progress, per capita gross national product in 1985 measured only $210. Malawi's current population of 7.2 million people is growing at an estimated annual rate of 3.1 percent. Possessing no significant mineral resources or industrial sector, Malawi is heavily dependent on agriculture for export earnings and employment.

During 1986 two cases continued to receive outside attention from human rights groups. Appeals and inquiries were made on behalf of Orton and Vera Chirwa, both serving life sentences for treason (commuted from death sentences in 1984). Three journalists detained in March 1985, reportedly because of a misquotation published in the local newspapers, have been released.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There have been no allegations of politically motivated killings within the country during 1986.

b. Disappearance

In the past, secret detentions by the police have been behind disappearances lasting from a few weeks to several months. There are no known instances in which such detentions have led to death. There were no known political disppearances in 1986.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Beatings by the police at the time of detention or arrest, or during interrogation, are illegal but do occasionally occur. Prison terms of hard labor are the norm for common criminals, with political detainees normally receiving less harsh or degrading treatment. Prison conditions are generally believed to be poor but are difficult to verify since access to prisons

is tightly controlled. According to one report, some hard-core criminals were sent to remote prisons where insufficient food was provided. Several are believed to have died of malnutrition.

The Forfeiture Act permits the Government to revoke the property rights of those suspected of economic crimes. These revocations sometimes have political overtones. When the Forfeiture Act is invoked, the individual--but not his family--loses all worldly possessions, including business and financial assets and personal belongings. Revocation of property rights is carried out by executive fiat with no judicial review. Notice of forfeiture must be published in the Official Gazette. There were no such cases published in 1986.

d. Arbitrary Arrest, Detention, or Exile

Under the Preservation of Public Security Act, the President may order the arrest, search, and detention of any person whom the Government suspects may cause trouble in the country. A person who is arrested under this law can be detained by the police without trial in a court of law.

At any given time a number of persons may be detained for real or perceived offenses against the party or Government. Currently, for example, a senior official of the Government's Information Department is being detained, although charges against him have not been made public. Malawi residents (including Africans and those of Asian extraction) may be picked up at the whim of the authorities, held without charge for varying lengths of time, and released. While political detainees are rarely beaten, the length of their confinement is often uncertain.

Suspicion of corruption is another cause for being held; those detained are rarely charged officially and brought before courts. A suspect may also be held without charge for a long period of time while authorities develop a case. One reported example is that of a young Malawian who was detained and interrogated in October 1985 for asking in jest if President Banda would live long enough to enjoy his newest residence, then being constructed in Mzugu. He has been held without charge since that time at Nsanje prison. It is impossible to estimate the number of arbitrary detentions and arrests made in Malawi in 1986.

Forced labor is sometimes used as a form of criminal punishment.

e. Denial of Fair Public Trial

Those charged with criminal offenses are tried in either the traditional or modern court system, depending on the nature of the charge. Those charged under the military code of justice are tried in military courts. Lawyers are not permitted to assist defendants in traditional court cases, but legal counsel is permitted in the modern court system. In the latter case, the defendant has the right of access to counsel both before and during the judicial proceeding. The right of appeal exists in both the modern and traditional court systems. In practice, the Government and party exert little control over the trial system in cases tried before the High Court or magistrate court. The modern judiciary is

independent of the executive branch, although the President appoints the Chief Justice of the High Court who, in turn, appoints other modern court justices. Magistrates may be removed from their positions for reasons of incompetence, malfeasance or if it is deemed by the executive branch to be in the public interest. This lack of job security can act as an indirect form of government pressure. These courts are open to the public, and defendants are charged publicly.

Traditional court justices are appointed directly by the President. It is generally believed that there is little executive interference in traditional court cases dealing in matters of customary law, and there is no evidence of indirect executive pressure on traditional courts adjudicating cases of a political nature. The three traditional courts at the regional level deal with most capital offenses. A guilty verdict is reviewed by the national traditional court and a ministerial committee considers clemency. Trials in traditional courts are conducted and death sentences are carried out without publicity. The number of executions is not a matter of public record but, according to one report, about a dozen occurred in early 1986. The death penalty is mandatory for murder and treason and can be imposed for armed robbery.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

In private life, most people are not unduly affected by government authority. Malawi law calls for the issuance of individual warrants before any home may be entered, but this is not always observed in practice. Police and quasi-military groups enter houses of suspects at will under special entry authority to conduct searches for people or incriminating evidence. Correspondence is monitored by the authorities and mail, including international mail, is often opened.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Criticism of the Government and its policies is not allowed; this proscription extends even to the Parliament. The media do not submit their news items and programs to the Information Department for approval or censorship, but the penalty for publishing material which meets with official displeasure can be severe and several journalists have been jailed for extended periods. As a result, the two newspapers and sole radio station operate under informal but strict self-censorship guidelines. Both media have exhibited increasing candor in coverage of international issues. In addition, criticism of the efficiency of some government departments has appeared in the media and Parliament. Limited freedom of inquiry into the natural and social sciences exists at the university level, and may include some examination of political ideologies at radical variance with those of the Government, provided this does not extend to explicit criticism of the Government.

b. Freedom of Peaceful Assembly and Association

Individuals and organizations generally are free to meet and associate as long as the purpose is not to discuss government or party policy or practices. Professional, fraternal, and

service organizations exist and are encouraged by the Government. No political meetings are permitted, other than those of the party.

Labor unions exist, but their activities are highly circumscribed, and they are generally ineffective. Collective bargaining is allowed, but its use is limited. Malawi law guarantees the right to strike, but in practice strikes never occur. Labor unions come under the Malawi Trade Union Congress which in turn is subject to direction by the Ministry of Labor. With Government permission and supervision, the trade union organization associates with international organizations, and the Malawi Trade Union Congress is a member of the Organization of African Trade Union Unity and of the International Confederation of Free Trade Unions. While the labor movement has yet to achieve gains for workers, the principal explanation is economic rather than political: the economy of Malawi can sustain only a small number of wage earners, most of whom occupy positions as unskilled laborers on large estate farms.

c. Freedom of Religion

There is relative freedom of religion in Malawi for all religions whose particular religious tenets do not preclude recognition of the temporal authority of the State. Jehovah's Witnesses have been banned since 1967 because the Government considers the sect's activities to be disruptive of "the prevailing calm, law, and order." There is no state or preferred religion, and conversion from one religion to another is permitted. There are no restrictions on religious observances and ceremonies which do not impinge on government authority. Religious groups may establish places of worship and train clergy. They are required to register with the Government, and their publications, like all others, are subject to government censorship. Religious groups are free to establish and maintain links with coreligionists in other countries and are free to travel abroad. Similarly, missionaries from abroad are permitted to enter Malawi and proselytize. There is no tie between a particular religion and the Malawi Congress Party.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Few restrictions have been observed on movement within Malawi, though legal provisions exist for restricting movement of those convicted of political or criminal offenses. Asian residents and citizens are free to travel within the country but must reside and work in one of four urban areas (Lilongwe, Zomba, Mzuzu, and Blantyre/Limbe). Within some of these urban centers, strict rules governing where Asians may own property result in limitations on where they may reside. Denial of passports on political grounds frequently extends to family members of persons in political disfavor and to those persons whom the Government suspects may criticize it if allowed to travel abroad. Civil servants and employees of state-owned enterprises have to obtain written permission to travel abroad even on vacation. Obtaining such clearance can take from a few days to several months. Formal emigration is neither restricted nor encouraged. With the exception of a small group of political dissidents, there is no outward flow of Malawian refugees from the country. Expatriates born in Malawi may return. Citizenship may be revoked but in practice this is not done.

MALAWI

Malawi does not accord official refugee status but has allowed private voluntary organizations to provide medical and other relief to some of the large number of displaced persons who have come into Malawi due to fighting and hunger in Mozambique. Approximately 70,000 Mozambicans have crossed the border to avoid harassment from government and insurgent forces.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

All political decisions are made either directly by the President or those few closely associated with him. No opposition political parties or movements are permitted. Membership in the Malawi Congress Party is not mandatory but is often coerced. Active membership is expected of those who aspire to government positions (including the civil service) or even professional success. Party membership is often required of school children and of those who seek access to government services or entrance to local markets. The annual renewal fee is only about 25 cents, but this can be nearly half a day's pay for a minimum wage earner. In addition, when the President visits an area, financial contributions from individuals and businesses are expected. Nearly half of the population has at least nominal party membership. The party's pervasiveness and broad-based structure provide for some choice among candidates for party, parliamentary, or other offices. For example, as was the case in the 1983 election, there are often three candidates for election to a parliamentary constituency. All nominees, however, are selected by the party and submitted to the President for review. Active campaigning is not permitted. The National Assembly (Parliament) consists of both elected and nominated members and is mainly concerned with ratifying government policy. Its powers are broadly based in law but highly circumscribed in practice. Women are entitled to party membership and voting rights and hold 15 of the 104 elected seats in Parliament. No women hold ministerial-level positions.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not permit organizations such as the International Committee of the Red Cross and Amnesty International to conduct human rights investigations in Malawi. No nongovernmental organizations devoted to the furtherance of human rights are permitted to exist. Expressions of interest in alleged human rights problems by outside groups or persons are not welcomed and are usually ignored. Few government officials are even willing to discuss the subject of human rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

While Malawi remains one of the world's least developed countries, economic and social needs and cultural aspirations are met on a generally nondiscriminatory basis. Asian residents, whether Malawian citizens or not, have been compelled to transfer ownership of rural shops and trucking businesses to ethnic African Malawian citizens. Asians are

free to expand into other areas of business, however, and industrial licenses for new Asian-operated industries are routinely granted.

Women are limited to the roles defined by a traditional African society and do not have opportunities equal to those of men. As mothers, women enjoy a high degree of access to the traditional health services and to extension programs designed to improve women's homemaking abilities. Such programs, while benefical, have failed to recognize the importance of women as agricultural producers in the rural sector (roughly 70 percent of all smallholder farms and over 50 percent of subsistence holdings are headed by women) and the potential role women can have in the modern sector. Although males still have a comparative advantage in terms of educational and employment opportunities, the Government has initiated sufficiently broad-scale programs to begin to rectify the discrimination which exists. A third of the positions in the public education system have been reserved for women. Within Malawi's traditional and primarily matrilineal tribal leadership structures, there are several small ethnic groups wherein women possess fewer rights and privileges, and where female circumcision is occasionally practiced.

Malawi enjoys a considerable degree of ethnolinguistic uniformity. The vast majority of the population speaks and/or understands Chichewa, which became the national language in 1968. English is the official language for government and business. Malawi's indigenous groups are sufficiently alike in culture and social organization to permit relatively easy interaction, including intermarriage, mixing in agricultural settlements, and mixed grouping for political purposes.

CONDITIONS OF LABOR

The minimum working age is 14, though this applies only to the relatively small urban sector. Less than 15 percent of the work force is employed in the formal wage sector. For those fortunate enough to hold paid jobs, wages and working conditions are generally adequate, and paid holidays and safety standards in the workplace are required by law. However, wage levels are low (about $2 a day in the three major towns), reflecting the abundance of unskilled labor and government policy to limit the rural-urban income gap and hence the rate of migration to the towns.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MALAWI

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	9.6	26.7	36.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	9.6	26.7	36.0
A.AID	7.6	25.4	34.9
LOANS.....	0.0	0.0	0.0
GRANTS.....	7.6	25.4	34.9
(SEC.SUPP.ASSIST.)...	0.0	15.0	10.5
B.FOOD FOR PEACE.....	1.2	0.2	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.2	0.2	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN D-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CUR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	1.2	0.2	0.0
B.RELIEF.EC.DEV & WFP.	1.2	0.2	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.8	1.1	1.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.8	1.1	1.1
PEACE CORPS.....	0.8	1.1	1.1
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.2	1.2	1.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.2	1.2	1.2
A.MAP GRANTS.....	0.0	1.0	1.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.2	0.2	0.2
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	9.8	27.9	37.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	9.8	27.9	37.2
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	143.1	71.9	74.3	865.2
IBRD	18.0	16.4	24.5	124.1
IFC	0.0	0.3	0.7	29.0
IDA	85.4	38.3	41.6	488.7
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	35.7	23.1	0.0	144.7
UNDP	0.3	1.3	0.0	42.7
OTHER-UN	5.7	0.0	0.0	14.0
EEC	0.0	0.0	7.5	22.0

MALI

Mali is a single party state in which effective authority is exercised by General Moussa Traore, Secretary General of the Democratic Union of the Malian People and President of the Republic. In 1968 President Traore, then a lieutenant, led a military coup which overthrew the leftist civilian government of Modibo Keita. Although Mali in 1974 adopted a Constitution which increased the number of civilians in the Government, the military continues to have an important role in party and governmental affairs. Military officers hold approximately one-fourth of the senior positions in the Cabinet and party, four of seven governorships, and an important portion of lower level administrative posts, mostly in border areas. A government reorganization in June further increased the percentage of civilians in office.

Burkina Faso fought a week-long border war with Mali in December 1985 over long disputed territory. Tension between the two countries remains high, but a ruling from the International Court of Justice at the end of 1986 won praise from both countries, which have publicly vowed to abide by it. Prisoners from the December border war have been repatriated.

Mali is one of the world's poorest countries, with per capita income around $160 a year. Landlocked and lacking easily exploitable mineral resources, except for some gold, Mali's economy is based on subsistence farming and animal husbandry, both of which have been severely affected by drought in recent years.

The political and human rights situation did not change significantly over the past year. No organized political opposition groups are permitted within Mali. The Government has not, however, reacted harshly to opposition since the student riots in 1981. In 1986, within the context of official party or union meetings, it permitted limited criticism of its economic reform policies.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reported incidents of politically motivated killings.

b. Disappearance

There were no reported incidents of disappearance, abduction, or hostage-taking.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Government of Mali does not officially condone police brutality, but physical abuse of suspects sometimes occurs in police interrogation. Torture rarely occurs. Public beatings by the citizenry of persons identified as thieves does take place on occasion. Prison conditions are harsh and, owing to a lack of resources, facilities are inadequate. Prisoners perform hard manual labor, such as road maintenance. In the past, Amnesty International has expressed concern over alleged

degrading treatment of prisoners in Taoudenit and Kidal prisons situated in northern desert locations and appealed to the Government to improve conditions. These prisons may contain some political prisoners.

During an April visit to Senegal by President Traore, Malian students at the University of Dakar led a strike to highlight their claim that six students detained in Mali were being mistreated and/or tortured. The students in question, who were tried in November 1985 for "offenses against the head of state", were represented by lawyers; two were acquitted and four received suspended sentences. There is no evidence that the students were mistreated during their incarceration before the trial.

d. Arbitrary Arrest, Detention, or Exile

No incidents of arbitrary arrests, detention, or exile were reported during 1986. The Malian judicial system is based on the French model and detained persons do not have the right to a judicial determination of the legality of their detention. However, Malian law does not permit arrest without formal charge. Malian law does not provide for release on bail, but detainees are sometimes released on their own recognizance. Prisoners are usually allowed access to a lawyer of their choosing. Administrative backlogs often cause delays in bringing people to trial.

Forced or compulsory labor is prohibited except in cases of convicted criminals.

e. Denial of Fair Public Trial

The judiciary is part of the executive branch and therefore potentially subject to interference. Trials are generally short in duration. While confessions are not coerced, defendants usually admit guilt, and defense lawyers tend to argue mitigating circumstances. The verdict and sentence are rendered by a panel of three judges. The appeals process is limited to an appeal for a presidential pardon or a request for a new trial. The National Assembly can convene a High Court of Justice to hear cases against state ministers. This Court did not meet during 1986. Several high-ranking officers were arrested for reportedly inept command decisions during the December 1985 border conflict but were subsequently released.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Inviolability of the home is guaranteed in the Constitution and generally respected in practice. Police searches are infrequent, and warrants are issued and recorded, though sometimes after the fact.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Malian Constitution does not guarantee freedom of speech and press. The State controls all Malian media and does not permit public questioning of its authority. Criticism of specific programs, aspects of society, or the performance of government offices (rarely of individuals) is, however, allowed. The national labor union enjoys limited freedom to

express dissatisfaction with some government austerity programs. Academic freedom does not extend to criticism of the Government or its policies. Journalists are all government employees. A few have been suspended or fired for "impertinent" questioning, but in general they have not been subjected to other reprisals. Private Malian publications expressing antigovernment views are not tolerated, but international publications, even those critical of Mali or its Government, are readily available and circulate freely.

b. Freedom of Peaceful Assembly and Association

The Malian Constitution guarantees the liberty of citizens to form organizations to protect their "professional interests," but in reality only selected organizations such as urban professional associations qualify for this consideration. The only groups which assemble freely are the women's, youth, and labor associations of Mali's single political party.

Twelve labor unions with a total of 130,000 members form the National Union of Malian Workers (UNTM), the only recognized workers' organization. Despite its party affiliation, the UNTM claims to maintain a degree of autonomy from the Government, and its Secretary General is not a member of the party's central executive council. Within limits, collective bargaining is permitted. Strikes, though permitted by law, seldom occur. In November 1986, Malian teachers went on strike for 1 day to protest nonpayment of salaries. The teachers' union carried out a 2-day strike in December when their salaries remained unpaid. The Government did not intervene to prevent the strike. The UNTM maintains contacts with international labor organizations, both public and private.

c. Freedom of Religion

Mali is a secular state. The Government generally does not discriminate on religious grounds. Although 90 percent of Malians are Muslim, most other religions may practice their faiths freely and are permitted to establish houses of worship and schools. Christian missionaries of various faiths enjoy government cooperation and are free to proselytize. Religious conversion is permitted, except to the Baha'i, who are free to practice their faith in their homes but forbidden to proselytize or establish houses of worship.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement in Mali is generally unimpeded, although travelers are sometimes subject to police checks, especially at night. These checks are allowed by law, ostensibly to restrict the movement of stolen or smuggled goods. In practice, some police are known to supplement their frequently delayed salaries by assessing ad hoc fines or confiscating goods. Malians are free to change residence or work place. Foreign travel requires an exit visa which is easy to obtain. Repatriation is not restricted. Mali has both accepted and generated persons displaced by drought and famine in recent years. A steady stream of people--mainly nomads affected by the drought--migrated to towns in southern Mali in 1985 and substantial numbers remain there in 1986. Several thousand Malians were repatriated from Algeria in 1986.

MALI

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The only legal political party, the Democratic Union of the Malian People, is the supreme political entity in Mali. Its Secretary General, Moussa Traore, is by law the President of the Republic. The role of the military has diminished in recent years but is still important. Five of the party's 19 central executive bureau members, 5 of the 17 cabinet ministers, 4 of the 7 regional governors, and numerous lower level officials are military officers. Important policies and decisions are made by a small group--the President, the 19-member central executive bureau, and the Council of Ministers. The party congress meets only once every 3 years, and the National Assembly meets twice a year.

Citizens thus have little and infrequent opportunity to influence the Government. Within the one-party system, multiple candidates often contest party elections at the local level. National Assembly elections, held every 4 years, generally present a single candidate selected by the party for each seat, although in theory all party members are eligible to run for election. The National Assembly debates proposed legislation after its acceptance by the Council of Ministers and review by the Supreme Court.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government of Mali has been generally responsive to calls by recognized groups such as Amnesty International to correct reported human rights violations. However, Mali itself has no local human rights organizations. The Ministries of Foreign Affairs and Justice are charged with responsibility for human rights issues. Mali does not play a major role in international human rights forums.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

While the Government avoids use of ethnic "quotas," virtually all ethnic groups are represented at the highest state and party level. In local government, officials are assigned outside their regions of origin. Although some nomadic groups such as the Tuaregs remain outside the economic and political mainstream, Mali is relatively free of ethnic tension.

Social and cultural factors assign a higher role to men that women in Malian society, but women are making some progress. Women are free to participate in the Malian political process, and, while underrepresented, are present at all levels of government and the party, especially at the local level. A limited number of women occupy positions of responsibility in most ministries. Two women serve in the Cabinet (Minister of Information and Minister of Public Health and Social Services) and one in the party's executive bureau (president of the women's union.) Three women now serve in the National Assembly. Notwithstanding this trend, custom often restricts women to "women's issues" when they do participate in politics. The National Union of Malian Women in particular promotes discussion of health, social, and education issues and disseminates information on the arguments against female circumcision. Despite the creation of a national commission

on the issue and government disapproval, female circumcision is still widely practiced.

CONDITIONS OF LABOR

Workers' rights are specified in the Constitution. Conditions of employment, including hours, wages, social security benefits, and health and safety standards vary depending upon the category of work. Employers are required to pay into a National Social Security Fund. While the minimum age for employment is 14 with parents' permission, children can be apprenticed at 12. In practice, children in rural areas join the work force at a much younger age, and workers in the informal sector are not protected by laws against unjust compensation, excessive hours, and capricious discharge.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MALI

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	24.3	53.5	14.9
LOANS...	0.0	0.0	0.0
GRANTS...	24.3	53.5	14.9
A.AID ...	11.6	32.2	12.7
LOANS...	0.0	0.0	0.0
GRANTS...	11.6	32.2	12.7
(SEC.SUPP.ASSIST.)...	0.0	18.0	0.0
B.FOOD FOR PEACE...	11.1	19.4	0.0
LOANS...	0.0	0.0	0.0
GRANTS...	11.1	19.4	0.0
TITLE I-TOTAL...	0.0	0.0	0.0
REPAY. IN $-LOANS...	0.0	0.0	0.0
PAY. IN FOR. CURR...	0.0	0.0	0.0
TITLE II-TOTAL...	11.1	19.4	0.0
E.RELIEF.EC.DEV & WFP.	10.3	17.7	0.0
VOL.RELIEF AGENCY...	0.8	1.7	0.0
C.OTHER ECON. ASSIST...	1.6	1.9	2.2
LOANS...	0.0	0.0	0.0
GRANTS...	1.6	1.9	2.2
PEACE CORPS...	1.6	1.9	2.2
NARCOTICS...	0.0	0.0	0.0
OTHER...	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.1	0.2	0.2
LOANS...	0.0	0.0	0.0
GRANTS...	0.1	0.2	0.2
A.MAP GRANTS...	0.0	0.0	0.0
B.CREDIT FINANCING...	0.0	0.0	0.0
C.INTL MIL.ED.TRNG...	0.1	0.2	0.2
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS...	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	24.4	53.7	15.1
LOANS...	0.0	0.0	0.0
GRANTS...	24.4	53.7	15.1
OTHER US LOANS...	0.0	0.0	0.0
EX-IM BANK LOANS...	0.0	0.0	0.0
ALL OTHER...	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL...	96.1	59.7	82.9	788.8
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	3.2
IDA	70.6	19.5	82.9	411.3
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	21.5	37.8	0.0	145.9
UNDP	4.0	2.4	0.0	63.3
OTHER-UN	0.0	0.0	0.0	19.0
EEC	0.0	0.0	0.0	126.1

MAURITANIA

Mauritania is governed by the Military Committee for National Salvation (MCNS), established after a bloodless 1978 coup which removed the civilian president and abolished the parliamentary system in effect since independence in 1960. Colonel Maaouya Ould Sid' Ahmed Taya, President of the Committee, is Chief of State. He assumed power after the ouster of the former President, Lt. Colonel Mohamed Khouna Ould Haidalla, on December 12, 1984. All 23 members of the Military Committee retain ministerial portfolios or occupy other key military or government positions. In effect, the President functions as a "first among equals," since decisionmaking is by consensus.

All political parties and opposition groups are banned. Prospects for an early return to civilian rule on the national level appear remote. In the absence of any institutionalized consultative process between the Government and the people, the Structure for the Education of the Masses (SEM) was created on a nationwide basis in 1982. Organized down to the village and neighborhood level, it is used to explain government policy, mobilize manpower for self-help projects, and air grievances.

In 1986 the regime took the first tentative steps towards democratization on the local level. Communal elections were held in Nouakchott and regional capitals in December. The authority of the newly elected councils, which will choose mayors and deputy mayors from among their membership, is limited to local affairs. While political parties were not permitted, campaigning in the municipal elections was lively and took on some of the tone and color of political debate. Despite this first step and the personal popularity of President Taya, the governmental institutions remain without a broad basis of support and provide no outlet for discontent, dissent, or even meaningful debate of national policies.

The country continues to face daunting economic and social problems: desertification and other aftereffects of prolonged drought; increasing racial tensions; massive unemployment; the highest per capita debt in Africa; poor infrastructure; inadequate health and education systems; and a mass exodus from the rural areas. Although adequate rains fell in 1985 and 1986, the 1971-1984 drought caused a massive migration of nomads into towns, thereby forcing them into urban refugee camps and severely weakening the Maur nomadic culture.

The advent of the Taya regime brought some human rights improvements. In late 1984, the new regime released and pardoned all political prisoners and detainees from the Haidalla regime. President Taya also publicly espouses a harmonious, multiethnic society. However, the arrest, trial, and sentencing in 1986 of 21 blacks from the Toucouleur ethnic group, including prominent figures in politics, media, and education, on charges of sedition and threatening national unity raised serious questions concerning the Government's attitude towards the political aspirations of black Mauritanians. Many see these arrests as evidence of the Government's intention to maintain the domination of the Maurs.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of politically motivated killings.

MAURITANIA

b. Disappearance

There were no cases of politically inspired disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Mauritanian law prohibits the use of torture, and there is no evidence that it was practiced in 1986. However, extended confinement is sometimes used to encourage self-incrimination. Some political prisoners released in late 1984 charged that they had been tortured under the previous Haidalla regime. At the beginning of 1987, there were reports that the Toucouleur prisoners had been denied visits by family members. The Ministry of the Interior is actively cooperating with the newly founded Mauritanian Human Rights League to ensure the proper treatment of detainees.

d. Arbitrary Arrest, Detention, or Exile

Mauritanian law guarantees expeditious arraignment and trial, access to legal counsel, and the right of appeal. However, an inadequate and underfinanced judicial system results in suspects being held regularly for long periods before trial. Moreover, under legislation enacted before the 1978 coup, the authorities have the prerogative to detain, without trial or appeal, anyone judged to be a threat to national security. Such detainees are usually confined to their residences but can also be detained in prisons, which exist in both Nouakchott and Jereida for more serious cases.

As many as eight government officials and businessmen closely associated with former President Haidalla were detained along with him at the time of the coup in 1984. Four of these men, as well as Haidalla, are still under house arrest or in prison, with no formal charges having been brought against them. Internal exile, loosely supervised, is the normal method for removing opposition from the political arena.

Although the Government remains opposed to slavery and has established a commission to implement abolition measures, notably the 1980 Declaration, vestiges of the practice still remain. In the spring of 1985, the United Nations Human Rights Commission released a report on slavery in Mauritania, based on a 1984 visit by a commission representative. The report criticized the continued existence of slavery, especially in rural areas, but acknowledged the Government's intent to eradicate it, e.g., through government-sponsored resettlement programs. It is impossible to verify an estimate of the number of persons remaining in servitude. The institution still persists largely in southern Mauritania, where it originated in historic conflicts between nomads and sedentary groups. Under the form of slavery in Mauritania, slaves are legally free to leave but most do not either because their ancestors have worked for the same families for generations without pay or because of economic hardship outside the system. Freed slaves may choose to remain in servitude in exchange for bread and board. Slavery and the acceptance of such attitudes are deeply ingrained by historical circumstances, but new economic conditions and opportunities can engender change. The drought has had a tremendous impact on slavery, causing many Maurs to release their slaves because of the deteriorating economic situation. There is no commercial market for slaves.

e. Denial of Fair Public Trial

In September the regime arrested 21 prominent Toucouleur blacks for protesting Maur domination of the political and economic system. They had circulated a political manifesto, entitled "Manifesto of the Oppressed Negro-Mauritanian", embodying their grievances against Arabization, their concerns about the adverse effects on blacks of the land tenure law, and their complaints about the unrepresentative and undemocratic nature of the Mauritanian Government. This document was circulated outside Mauritania. The detainees were charged with spreading falsehoods and hatred and calling for disorder. They committed no known acts of violence. All 21 were tried and given sentences ranging from 6 months to 5 years, to be followed by 10 years of internal exile--unusually harsh penalties in a country where internal exile alone is the preferred method of treating political prisoners and detainees. Although they were assigned defense attorneys and were tried in accordance with Mauritanian law, they were apparently guilty only of nonviolent political acts and thus must be regarded as political prisoners. Each of the 21 sentences was confirmed on October 13 by the appeals court. Eighteen other persons arrested in the course of the public disturbances associated with the trial of the Toucouleurs are currently under detention awaiting trial. A large number of Toucouleurs, mostly intellectuals and professionals, were taken into custody, questioned, and released during September, October, and November. Additionally, in the wake of the trials some ranking Toucouleur officials, including the Secretary General of the Ministry of Defense (since reinstated), were dismissed from their jobs.

Former President Haidalla released a number of political prisoners shortly before his ouster. President Taya, in late 1984, released and pardoned all remaining political prisoners from the Haidalla regime. Those whose goods were confiscated at the time of their detention had their belongings restored by the Government. Although President Taya also invited all exiles to return home to Mauritania, only a limited number have done so. The current estimate of 26 political prisoners includes former President Haidalla and 4 of his supporters and the 21 Toucouleurs sentenced in September 1986.

The Shari'a Islamic Code, as instituted in Mauritania in 1980, covers adultery, theft of personal property, and murder. A Muslim judge presides over a jury chosen by the governor of the region. The defendant has a right to counsel and can appeal a guilty verdict to the Supreme Islamic Court within 15 days. Circumstantial evidence cannot be admitted as proof of guilt. Admission of guilt is sometimes obtained in the context of a promised reduction in punishment. Inability to convince the sitting magistrate that the Government's charges are in error is in itself considered by the courts as a legal admission of guilt, as is the convincing testimony of a firsthand witness or codefendant. All sentences must be approved by the President. Opposition to the Shari'a has been expressed most often by blacks and women, who believe that the Shari'a code favors the Maur way of life. Although a strict interpretation of the Shari'a in earlier years produced communal tension, the issue has largely passed from public debate due to moderate implementation.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Government interference in private affairs, save in instances where treason is suspected, is limited. Reflecting the nomadic

penchant for privacy and the sanctity of confidences, the lack of sophisticated equipment to undertake surveillance, and the isolation of many parts of the country, the Government normally limits its surveillance to patrols on major highways, occasional nighttime inspections of vehicular traffic, and inspections of mail suspected of containing currency or prohibited items.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The freedom of speech and press is restricted. Political expression is tightly controlled. Most Mauritanians are careful not to propagate antigovernment opinions. Private discussion is lively in family and clan networks, which act as vehicles for communicating complaints and airing dissent, as do the Structure for the Education of the Masses. The nomadic tradition also provides for candid expressions of concern to the leadership. In fact, both Presidents Taya and Haidalla invited discussion of governmental policies from local leaders during visits to rural areas. In practice, the Government is particularly reactive to expressions of ethnic or racial discontent and criticism of the regime's basic policies or legitimacy, as evidenced by the recent convictions of the black dissidents.

Mauritania's only newspaper, news agency, and radio/television station are government operated. The Government does not permit criticism of its policies or authority, and editorial content of the media is controlled. International news magazines and newspapers generally circulate freely in Mauritania. Shortwave broadcasts and Senegalese television are followed openly.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly has been suspended since 1978 when civilian rule was ended by a military coup. The Government strictly enforces its prohibition of public meetings addressing political themes. In September minor civic disturbances, kindled by the arrests of black leaders, were suppressed swiftly by armed police and the use of tear gas. In addition, as part of the large scale crackdown on the Toucouleur community carried out in the second half of 1986, authorities banned meetings of black self-help groups and cultural associations, and even checked on large black family gatherings such as weddings. Later in the year, however, large demonstrations were permitted in the campaigns for communal councils.

Labor unions were the only nationwide organizations with any political impact that were not dissolved following the 1978 coup. Labor unions are grouped in a national organization, the Mauritanian Workers Union (UTM), which is allowed a large measure of freedom in its organizational efforts. The UTM is associated with a number of regional and international labor organizations, and its officials are permitted to travel to attend international labor meetings. Union leaders are free to take positions on international labor matters within the confines of Mauritania's basic foreign policies.

Individual labor unions have the right to organize but are recognized only when they register with the UTM and accept an

appointed director general. Wages are set through an informal bargaining arrangement involving individual unions, the UTM, employers, and the Government. Union officials claim that total union membership has reached 30,000 members. Union membership is not universal; workers must pay an annual membership fee of $4, but the Government indirectly finances most union activities. The right to strike exists in theory, but is greatly restricted in practice, and an extended strike would probably be strongly opposed by the Government. There have been two brief strikes in recent years.

c. Freedom of Religion

Islam is the official religion of Mauritania, and the country's official name is the Islamic Republic of Mauritania. Virtually all citizens are Muslim. Proselytizing and the construction of churches and other non-Islamic houses of worship are prohibited without government permission. Mauritania's small Roman Catholic community has been granted permission in several instances to build churches. A number of Catholic churches operate freely. Mauritanian Muslims are prohibited from entering non-Islamic houses of worship and from converting to another faith.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on movement within the country, although travelers are frequently subjected to routine police checks. Temporary curfews have been imposed several times during emergency situations, most recently following the 1984 "restructuring" of the Military Committee for National Salvation. As a result of the endemic drought, large numbers of former nomads and oasis dwellers have migrated to urban areas, swelling the population of the towns and surrounding shanty villages.

In 1985 the Government ended the requirement that Mauritanians must have an exit visa before traveling abroad. A few Mauritanian officials have fled the country because of political opposition to the Government. Conflict in the Western Sahara between Morocco and the Polisario Front has led to a small immigration of refugees into Nouadhibou and other northern towns, but there are no acknowledged political refugees in Mauritania.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Political power rests in the hands of a military junta. Ethnic diversity is marked, and the sense of national identity weak. In the official view, underdevelopment and potential ethnic conflicts require limits on political rights. Ethnically based political movements are particularly feared, as shown by the strong reaction to Toucouleur dissidents in 1986. Black opponents of the regime accuse it of forcibly perpetuating Maur dominance of the political system. Many observers are convinced that the Government intends to ensure Maur dominance by quickly breaking the back of any black dissident movement.

The Military Committee for National Salvation remains the "custodian of the nation's sovereignty." All executive and legislative functions reside with this Committee. Membership is limited to military officers and is automatically conferred

on incumbents of ministerial positions and important military and security posts. In ethnic terms, the MCNS is predominantly Maur, although several blacks are members as well. The most prominent black on the MCNS lost his position in the wake of the 1986 Toucouleur arrests. The right of citizens to change their Government has not existed since 1978, when Mauritania's military ended all democratic procedures and abolished the country's sole political party.

As promised by President Taya, municipal elections were held in December 1986. Slates of candidates for communal councils were organized in Nouakchott and in all 12 regional capitals. While in a few cases only one slate came forward, the elections were generally contested by several slates in each city. The process was tightly controlled--political debate on national issues was forbidden, and the makeup of the slates was required to reflect ethnic and tribal balances. The balloting itself was orderly and free of interference, although administrative problems prevented some persons from voting. Results were announced promptly. The communal councils elected in December will choose mayors and deputy mayors from their ranks. The councils are new institutions, and their authorities and relationship to the central administration are as yet unclear.

December 1986 marked the first time contested elections have ever been held in Mauritania. That the municipal elections evinced such evident enthusiasm and was carried out in an orderly, successful manner may auger well for the regime's stated policy of a gradual return to civilian, representative government and should be regarded as an advance in human rights terms.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is sensitive to criticism on human rights and has been cooperative with the U.N. Human Rights Commission's working group on slavery, inviting the Comission to send a representative to Mauritania in 1984. An official response to the Commission's 1985 report is scheduled for release in 1987. The Government is also aware of continuing Amnesty International concerns over a number of human rights issues. The Taya regime gave permission in 1986 for the founding of Mauritania's first organization dedicated to the protection of human rights, the Mauritanian Human Rights League. The League's primary concern is to address the means by which the Government can eliminate the last vestiges of slavery and provide an economic basis for the advancement of former slaves. Other stated concerns include the status of women's rights, the uniform application of the Shari'a law, and the prevention of abuses similar to those which occurred under the Haidalla regime.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Mauritania is situated geographically and culturally on the divide between the nomadic Arabic-speaking Maurs of the north and the sedentary blacks of the African south. The interaction of these two groups produces the complex cultural diversity which fuels ethnic/racial tensions inherent in Mauritanian society. Recent movements of the nomads to the south as a result of drought have greatly exacerbated tensions.

culminating in the 1986 arrests of black leaders. Historically, and since independence in 1960, the Maurs have dominated the political and economic system. The Maurs claim they are still a demographic majority, whose mother tongue is Hassaniya Arabic, but blacks believe they now constitute a majority and are entitled to more political representation. There are no statistics to back up either claim, although most foreign observers believe that blacks represent a substantial and growing proportion of the population. The black population is represented at all levels of government but is underrepresented in terms of its proportion of the population. Many blacks also believe that Maur domination in government, state enterprises, business, and religious institutions is a result of racial discrimination. Their grievances include such issues as language (Arabization and the use of French), educational opportunities, and land reform. A controversial land tenure bill is, for example, viewed by some as a means by which wealthy, urban Maurs can appropriate profitable land along the Senegal River basin, traditionally the homeland of Mauritania's black population.

Although Mauritanian women are legally free to participate fully in governmental affairs and private business, traditional values and practices limit the scope of their activities. A small number of women have risen to important positions in the fields of health and education or hold midlevel government positions. Large numbers of women turned out both as supporters in political rallies and as voters in the December elections. Even though few women were candidates on the slates, their active participation in the political process is apparently being encouraged.

CONDITIONS OF LABOR

Mauritania, with a population estimated at 1.8 million and an annual growth rate approaching 3 percent, has one of the lowest standards of living in the world. Its economy is characterized by a sharp contrast between the modern, internationally oriented mining and fisheries sector in the north and central regions and the very underdeveloped subsistence livestock and agricultural sector of the south, in which the majority of the population is engaged. Although estimates for unemployment vary from 50 to 90 percent, it is impossible to judge the situation accurately, given the rural nature of the economy. Many Mauritanian workers go abroad for work, but Mauritania also receives substantial numbers of workers from neighboring countries.

While education is not compulsory in Mauritania, no child may be employed before the age of 14 without the express permission of the Minister of Labor and National Labor Council. The standard minimum age of employment in nonagricultural enterprises is 15 years. The labor code does not address conditions of employment for family members in agriculture or animal husbandry, which is largely outside the cash economy and accounts for 95 percent of non-Government economic activity in Mauritania. Although there are no figures available, the use of child labor (except in the family-owned agricultural sector) is not thought to be widespread due to massive unemployment among adult males. There is a guaranteed minimum wage, established in 1985 for unskilled workers and for agricultural workers and in 1984 for skilled workers. Information on actual wage levels is scanty and often unreliable.

MAURITANIA

The standard nonagricultural workweek in Mauritania is not to exceed 40 hours, nor 6 days per week. Enforcement of labor laws is the responsibility of the labor inspectorate, Ministry of Labor. Disputes over labor issues are heard before special three-person labor courts which are overseen jointly by the Ministries of Justice and Labor. These courts are regarded by labor union leadership as unbiased and effective.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MAURITANIA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	13.9	20.3	5.8
LOANS.....	0.0	0.0	0.0
GRANTS.....	13.9	20.3	5.8
A.AID	4.9	11.4	4.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	4.9	11.4	4.1
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	7.4	7.4	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	7.4	7.4	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	7.4	7.4	0.0
E.RELIEF.EC.DEV & WFP.	5.5	5.0	0.0
VOL.RELIEF AGENCY.....	1.9	2.4	0.0
C.OTHER ECON. ASSIST...	1.6	1.5	1.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.6	1.5	1.7
PEACE CORPS.....	1.6	1.5	1.7
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.1	0.1	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.1	0.1
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.1	0.1	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	14.0	20.4	5.9
LOANS.....	0.0	0.0	0.0
GRANTS.....	14.0	20.4	5.9
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	9.8	32.6	27.6	452.0
IBRD	0.0	0.0	20.0	146.0
IFC	0.0	1.2	0.0	19.1
IDA	8.1	29.2	7.6	123.7
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	1.3	0.0	38.4
UNDP	1.7	0.9	0.0	21.9
OTHER-UN	0.0	0.0	0.0	6.6
EEC	0.0	0.0	0.0	96.3

MAURITIUS

Mauritius is a small, densely populated island country with a functioning parliamentary democracy modeled after that of Great Britain. It is governed by a Prime Minister, Council of Ministers, and Legislative Assembly. The Governor General, with largely ceremonial powers, represents Queen Elizabeth II, the titular Head of State. Elections at national and local levels take place at regular intervals. There are five major political parties, which reflect a wide range of ideological views, and several smaller parties. Executive power has changed hands twice in the last 5 years through fair and orderly elections supervised by an independent commission. Municipal elections in 1985 returned the main opposition party to power in Mauritius' five largest cities.

Mauritius has no military forces and depends on the paramilitary 700-man Special Mobile Force and the 200-man Police Riot Unit for internal security. These forces, under the command of the Commissioner of Police, are apolitical, well-trained, and backed by a general duty police force of approximately 4,000 men.

Mauritius has a mixed economy, based on sugar production, tourism, and textiles, with a strong private sector. In 1986 the economy continued its recovery, registering a 5.5 percent growth rate and creation of some 20,000 jobs. Mauritius maintained readjustment policies in line with assistance from the International Monetary Fund and the World Bank.

Political and civil rights, including the freedoms of speech and press, are protected under the Mauritian Constitution and exercised in practice. There are 290 labor unions which enjoy considerable freedom in contract negotiations and within the political arena, although their right to strike is limited by law. Religious freedom is respected in this society which has large Hindu, Christian, and Muslim populations. An independent judiciary administers a legal system patterned on the British model. Since independence in 1968, there have been no reports of political killings, disappearance, torture, or degrading treatment of prisoners.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killings.

b. Disappearance

There were no reports of disappearance of persons for political causes.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and inhuman punishment are prohibited by law, and there were no reports of degrading treatment or punishment. Prisons, however, are badly overcrowded. The situation was exacerbated in 1986 by Government efforts to cope with increased narcotics trafficking. According to local press accounts, over 1,000 people were arrested during the period

of January-September 1986 for possessing narcotic substances. Figures are not available for the number of those arrested who were subsequently imprisoned. The Government is sensitive to prison conditions and is publicly committed to their improvement. A British prisons expert arrived in September to conduct a study of prison conditions and make recommendations to the Government for the alleviation of current problems.

d. Arbitrary Arrest, Detention, or Exile

There have been no reports of arbitrary arrests or detentions since the early 1970's. Detained persons have the right to a judicial determination of the legality of their detention. In practice, this determination is usually made within 24 hours. Bail is commonly granted. The Supreme Court recently ruled invalid a section of the "Dangerous Drugs Act" of 1986 which had provided that any person arrested under the provisions of Clause 46 of the Act could be detained in prison until the conclusion of the judicial process. According to the press, the practice of incarcerating those found in possession of narcotic substances was established in September 1986. The Supreme Court has been petitioned to rule on the constitutionality of Clause 46.

Exile is legally prohibited. The Constitution prohibits any form of forced or compulsory labor.

e. Denial of Fair Public Trial

Mauritius' judicial system, modeled on that of Great Britain, consists of the Supreme Court, which has appellate powers, and a series of lower courts. Final appeal may be made to the Queen's Privy Council in the United Kingdom and is routinely made in the case of death sentences. There are no political or military courts. The legal system has consistently provided fair, public trials to those charged with crimes. Defendants have the right to private or court-appointed counsel. The judiciary is also charged under the Constitution with ensuring that new laws are consistent with democratic practice. Commissions of Inquiry are frequently established to examine various issues of social or political concern. The commissions, routinely chaired by distinguished jurists, conduct hearings, subpoena witnesses, and present their findings to the Government for corrective action when wrongdoing has been discovered. Commission proceedings are conducted in public and reported fully by the press. The findings, however, are conveyed to the Government in classified reports that are not routinely made public unless or until the Government decides to take action against an accused party. During 1986, one Commission of Inquiry examined in detail the operation of the Public Service Commission for local governments, a body charged with ensuring that appointments to local government positions are made on the basis of merit rather than as a result of political influence. A second Commission focused on drug trafficking and consumption. It is unclear whether judicial action will result from evidence gleaned during the inquiry on drugs, some of which concerns parliamentarians suspected of involvement in drug trafficking.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The sanctity of the home is guaranteed by law and generally respected in practice. The search of personal property or

premises is allowed only under clearly specified conditions by court order or by police decision if an illegal act has been committed. There have been reports from reliable sources that the Government's intelligence apparatus occasionally opens mail and carries out surveillance of local opposition leaders and other major figures.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press is protected by the Constitution and by local tradition. Sixteen privately owned daily, weekly, and monthly newspapers present varying political viewpoints and freely express partisan views. Newspapers are subject only to the legal constraints of libel laws. There is one television station and two radio channels (one strictly educational) broadcasting in five languages. The television and radio are reasonably objective in news and entertainment presentation, although opposition politicians occasionally accuse the broadcasting corporation of political bias in its news coverage. Television and radio broadcasts are also easily received from the nearby island of Reunion (a French Department) and are subject to no interference by the Government. However, any foreign satellite broadcasts, or programs from foreign sources, which are considered "controversial" are subject to approval by the Cabinet of Ministers before transmission on local television or radio.

In March 1985, the Legislative Assembly passed an act which made it a felony to charge without proof in speech or print that a government minister was corrupt in exercising official functions. The first offense brings a $600 fine; the second, 3 years in prison. Although the act remains in force, it has yet to be used to prosecute anyone.

b. Freedom of Peaceful Assembly and Association

Mauritians enjoy the right to form associations, including political parties, trade unions, and religious organizations. Mauritius has a multitude of such private organizations. Political, cultural, and religious assemblies are commonplace. Although police permission is required for holding demonstrations and mass meetings, such permission is rarely refused. May Day rallies held in 1986 by all major political parties attracted a total of 30,000 supporters.

Mauritius has an active trade union movement. Almost 300 unions represent 90,000 workers, more than one-fourth of the work force. Unions are free to organize workers in all sectors, including the Export Processing Zone (EPZ) which employs about 66,000 workers. Unions can press wage demands, establish ties to domestic political parties and international organizations, and address political issues. One leading federation actively supports the opposition party. The largest confederation, the Mauritian Labor Congress, is a member of the International Confederation of Free Trade Unions. In theory, unions have the right to strike. However, in labor disputes, the Industrial Relations Act requires a prestrike, 21-day cooling-off period followed by binding arbitration, which has the effect of making most strikes illegal.

c. Freedom of Religion

There is no official state religion in Mauritius. Hindus, Christians, Muslims, Buddhists, and others openly practice, teach, and proselytize their religions without prejudice. All religious institutions receive state subsidies in proportion to their memberships. There is no state-sanctioned discrimination against any ethnic or religious community.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on full freedom of movement within the country. Foreign travel, emigration, and repatriation are also unrestricted.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Mauritius is governed by a freely elected, unicameral Legislative Assembly, with executive direction coming from a Council of Ministers, currently headed by Prime Minister Anerood Jugnauth. The Governor General has the right to designate the person charged with forming a new government following parliamentary elections or a parliamentary crisis. Parliamentary, municipal, and village council elections are held at regular intervals. Voting and running for office are rights of all citizens 18 years of age and over. In the Legislative Assembly, 8 of the 70 members are appointed through a complex "best loser" system designed in part to ensure that all ethnic groups are adequately represented. The governing coalition consists of 5 parties and officially controls a majority of the 70 seats. Political parties often match the ethnicity or religion of their candidates to the composition of particular electoral constituences. There have been allegations that certain groups, including Muslims, are underrepresentated in the civil service. The December 1985 elections were supervised by an independent commission and were preceded by intense campaigning, including regular public rallies.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights

There have been no known requests by international organizations to investigate human rights violations in Mauritius. Amnesty International maintains two branches in Mauritius. There are several local human rights groups which address the internal situation in Mauritius without government intrusion.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Women in Mauritius participate in all types of political, business, and social activities, and a few hold important positions. Nonetheless, traditional ethnic and religious attitudes prevent women from achieving true parity: For example, only 4 of 70 parliament members and 1 of 19 ministers are women. The Mauritian Government seeks to improve the status of women, and recent amendments to laws ranging from emigration to inheritance have removed sex discriminatory sections. An interministerial committee headed by the

MAURITIUS

Minister of Women's Rights and Family Welfare (a woman) was formed in April 1985 to address remaining discriminatory elements in local laws and practices. Discriminatory laws and regulations remain include a prohibition against women serving on juries and in the national pension scheme.

Although the Ministry of Women's Rights and Family Welfare was made into a combined portfolio with labor and industrial relations in 1986, the Ministry of Women's Rights and Family Welfare still receives one of the smallest ministerial allocations--only $380,000 in the 1986-87 budget. The illiteracy rate for women (20 percent in 1983) is about twice that of men. While women are highly sought for employment in manufacturing plants, they tend to occupy the less skilled and lower paid positions and are particularly susceptible to layoffs during economic downturns. The average industrial salary for women is about 50 percent that of men. The Minister for Labor and Industrial Relations, Women's Rights and Family Welfare has indicated, however, that middle management training for women is one of her ministry's priorities.

CONDITIONS OF LABOR

Conditions of employment in Mauritius, including wage and leave conditions, are generally sufficient to afford an acceptable standard of living for workers in the agricultural, service, and manufacturing sectors. Government, private welfare groups, and labor unions serve as watchdogs on potential employer abuses. A maximum workweek of 45 hours is allowed, and children below the age of 14 cannot be legally employed, although scattered cases of child labor have been reported. The Government mandates minimum wage increases each year based on inflation. It also operates an unemployment insurance program and a social security fund, although an effective social safety net does not yet exist. The rapid transfer of workers out of traditional sectors into the industrial work force has caused some social displacement, and occasional disputes have arisen between workers and employers--especially foreign managers--in the EPZ and other industrial sectors. These growing pains seem to be declining as foreign employers adjust to their Mauritian workforce and new workers learn industrial discipline.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MAURITIUS

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	4.8	7.2	2.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	4.8	7.2	2.1
A.AID	4.0	7.2	2.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	4.0	7.2	2.1
(SEC.SUPP.ASSIST.)...	4.0	7.0	1.9
B.FOOD FOR PEACE.....	0.8	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.8	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.8	0.0	0.0
E.RELIEF.EC.DEV & MFP.	0.8	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	4.8	7.2	2.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	4.8	7.2	2.1
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	65.1	1.1	36.0	315.8
IBRD	60.2	0.0	30.0	226.2
IFC	0.0	0.0	6.0	6.5
IDA	0.0	0.0	0.0	20.2
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	4.2	0.0	0.0	24.0
UNDP	0.7	1.1	0.0	15.3
OTHER-UN	0.0	0.0	0.0	2.3
EEC	0.0	0.0	0.0	21.3

MOZAMBIQUE

Mozambique gained independence from Portugal in 1975 following a decade of guerrilla warfare waged by the Front for the Liberation of Mozambique (FRELIMO). The political bureau of FRELIMO, the only party allowed, is the key decisionmaking organ, and it articulates government policies. Following President Samora Machel's death in an aircraft crash October 19, the Central Committee of FRELIMO elected Foreign Minister Joaquim Chissano as the new President and head of FRELIMO. The President appointed a new Council of Ministers which is responsible for the day-to-day operations of the Government. The security forces include the military, the People's Forces for the Liberation of Mozambique (FPLM); and the Mozambican Security Service (SNASP). A self-proclaimed nonaligned, nationalist, and Marxist-Leninist party at independence, FRELIMO's approach is increasingly pragmatic, aimed at dealing with the economic and political realities of catastrophic drought and growing civil war, which together have uprooted thousands of people, destroyed much of the economic and social infrastructure, and caused widespread casualties.

Since the late 1970's the Mozambican National Resistance (RENAMO) has waged an increasingly violent guerrilla war against the Government. The insurgents' preferred target is the economic infrastructure, but their tactics have resulted in the deaths of thousands of civilians. Little is known about its popular support or its political aims, but RENAMO claims to have 20,000 troops, and in the past 2 years it has become active in all Mozambican provinces. Originally RENAMO was the creation of Ian Smith's Rhodesian regime; more recently, it has received extensive support from South Africa. The Government has responded to the growing insurgency by applying aggressive security measures of its own and seeking diplomatic and military help from neighboring states, principally Zimbabwe, which in December 1986 had over 6,000 combat troops in Mozambique. Earlier, the Machel Government attempted to cut off South African assistance to RENAMO through the March 1984, Nkomati Accord with South Africa which committed both countries to cease hostile acts against the other and to search for ways to increase economic cooperation. At the end of 1986, President Chissano accused South Africa of airlifting supplies to RENAMO forces in violation of this nonaggression pact. On the economic front, to meet the growing threat of famine and spiraling inflation, the Government turned to the West for food aid and economic assistance, and the President announced he would institute a major economic "austerity" program.

Against this background, the overall human rights situation deteriorated in 1986 due to the insurgency. By the end of 1986, nearly 1 million Mozambicans of a population of 14 million had fled either to the cities or to neighboring countries. In September alone, over 400,000 persons were displaced. In addition to abuses by RENAMO forces, FPLM and SNASP forces committed excesses against civilians. There have been no reports of public and summary executions by the Government since 1983, but there are continuing allegations of torture by both guerrilla and government forces.

Despite the difficult circumstances, the first elections since 1977 took place between August 15 and December 15, 1986, to choose representatives to local, district, provincial, and national people's assemblies. The elections were held within the framework of the country's one-party system.

MOZAMBIQUE

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for Integrity of the Person, Including Freedom From:

a. Political Killing

The continuing war between the Government and RENAMO has led to the death of many Mozambicans as well as a number of foreign civilians. Precise figures are unavailable, and both sides exaggerate accusations against each other. The total number of fatalities over the past few years is certainly in the thousands. The insurgents in particular have been brutally violent, mutilating, killing, maiming, and kidnaping their victims. For example, according to reliable reports, RENAMO ambushed a commercial bus in February, killing 7 unarmed civilians and wounding 20. RENAMO also killed a number of civilians during August and September, apparently in an effort to impede the electoral process through intimidation. RENAMO has charged, however, that on several occasions FRELIMO forces perpetrated killings of civilians and then blamed the killings on RENAMO. In addition, there is a large gray area involving killings by actual bandits or renegade FPLM or RENAMO personnel, such as in 1986 actions in Matola, Machava, and Catembe near Maputo. Indiscipline among both RENAMO and FPLM forces remains a major problem. The Government has continued aggressive efforts to combat RENAMO, and government military operations have reportedly resulted in the killing of civilians in contested areas.

Amnesty International's 1986 Report (covering 1985) notes that it had received reports of killings and mutilations of captives by both government and opposition forces. The Council of Catholic Bishops in Mozambique has publicly decried the violence perpetrated against the civilian population by both sides. In 1986 the Government halted public execution of insurgents and those convicted of economic sabotage or other crimes against the State.

b. Disappearance

There were no confirmed reports of government-perpetrated disappearances. However, the Government's commitment to the prompt notification of relatives and friends of detained persons remains suspect, and it is often impossible to know whether a person has disappeared or is in detention. Security forces, operating under security legislation, sometimes hold detainees incommunicado for extended periods, despite the fact that detainees have the legal right to contact their relatives and to receive visitors. The Government's observance of this right improved in 1986, mainly due to President Machel's public campaign in 1985 to safeguard the legal rights of detainees.

RENAMO has reportedly abducted thousands of rural villagers and continued these kidnapings throughout 1986. Some of these people were released after being required to transport materials or perform other tasks. Others were held permanently in rural areas outside of formal government control. RENAMO also increased the kidnaping of foreigners, but in August it released 5 Portuguese and Italian nuns, and in December another 65 hostages. RENAMO's seizure of foreign personnel seriously stymied U.N. and other donor food relief efforts.

MOZAMBIQUE

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

In the early years after independence, according to numerous reports, political prisoners at remote government-organized "reeducation camps" were brutally bound, beaten, and often killed. These camps were used to intern political prisoners and "antisocial elements." Starting in 1979, however, the Government promulgated laws establishing a formal judicial system. In 1981 President Machel declared that henceforth no one would be sent to a reeducation camp without due process. Also in 1981, the President launched the "offensive for legality," which led, inter alia, to the firing of a number of security and defense force members for abusing prisoners.

Most observers believe there were fewer instances of torture in 1986, thus maintaining a downward trend. Nevertheless, there were new reports in 1986 of capricious and cruel treatment by some members of the security and defense forces. Amnesty International's 1986 Report noted that harsh beatings, inflicted with a variety of instruments, were the most frequently reported form of torture in 1985. In this connection, the Government reintroduced the practice of flogging (for example as punishment for economic crimes), and flogging is used extensively in rural areas where incarceration is difficult. Ministry of Justice officials have publicly condemned excessive and illegal floggings.

According to numerous reports, including Amnesty International's 1986 Report, RENAMO has tortured, maimed, and mistreated both military prisoners and civilians. A frequently reported RENAMO technique is to cut off the noses, ears, and lips of civilians believed by the insurgents to sympathize with the Government. Thousands of Mozambicans have undergone such disfigurement.

Prisons in Mozambique are generally overcrowded and marked by inadequate food, hygiene, and medical care. The Government has sought foreign assistance to improve prison conditions.

d. Arbitrary Arrest, Detention, or Exile

Since 1979 two separate legal systems have existed. One is the regular civil/criminal system composed of the judiciary (courts) and a police force under the authority of the Ministry of the Interior. The other, characterized in its initiating legislation as transitional, is the military-run State Security System, which incorporates the Ministry of National Security (SNASP). This latter system, established to deal with the growing armed insurgency, has jurisdiction over both political and economic (sabotage) crimes against the State. These two systems operate separately and are subject to separate controls.

Under the State Security System, all investigations and arrests are carried out by SNASP, and detainees may be held indefinitely, often incommunicado, without formal charges. SNASP has the power to conduct pretrial inquiries without reference to an investigating judge. Amnesty International has recommended that SNASP's power to detain persons be drastically reduced because such unlimited authority invites abuse and leads to prisoner mistreatment. There are no reliable estimates of the numbers of persons detained for political reasons. Amnesty International estimated that there were approximately 4,000 to 5,000 RENAMO detainees at the beginning of 1986, a figure the Government has publicly acknowledged.

MOZAMBIQUE

Under the regular civil/criminal court system, persons accused of the most serious crimes can be detained up to 84 days without investigation, and then such detainees can be held for two additional periods of 84 days with the approval of the court while the police complete their investigation. While being held for investigation, a detainee has the right to counsel and to contact relatives or friends. In practice, these procedures are not always followed, and legal counsel is frequently not available. In some cases, detainees may be released from prison while the investigation proceeds, but the bail system in Mozambique remains ill-defined. If the prescribed period for investigation has been completed and no charges have been brought, the detainee must be released.

In 1985, as part of the "offensive for legality," the Government set up a judicial inspectorate to help supervise the administration of courts and prisons. During 1986 the Ministry of Justice continued its effort to ensure that detainees held by police were afforded access to government-provided legal assistance. The Ministry of Justice also launched programs to publicize basic laws and the rights of defendants, families, and children, and to conduct seminars on human rights throughout the country. During 1986 there were no reports of anyone being exiled from Mozambique.

As far as is known, compulsory labor is not practiced in Mozambique, although RENAMO reportedly uses captive labor to carry out supply and other support functions.

e. Denial of Fair Public Trial

Nonpolitical trials conducted by the regular civil/criminal court system are generally fair and are held in public. At the local level they are often conducted in a public place in the village where the crime was allegedly committed to encourage public attendance and participation. The proceedings are conducted by a trained representative of the Ministry of Justice, assisted by two or four popularly elected "judges." Since the legal knowledge of those involved is limited, they are instructed to exercise common sense and to apply locally accepted principles. These courts can handle only minor offenses; more serious crimes are judged in People's Courts at the district and provincial levels. District and provincial trials are also open to the public, except in certain cases such as rape, where the defendant can request a closed trial. Persons convicted of a serious crime have the automatic right of appeal to the next higher court. There is a Superior Court of Appeals in Maputo.

Prisoners charged with crimes against the State are tried by the Revolutionary Military Tribunal. These trials are held in camera, and there is no recourse of appeal. In general, treatment of RENAMO prisoners is not known. However, there is a model prison for them in Inhambane where they receive training in various skills. The length of detention of such prisoners is not known.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

While the party apparatus is a vehicle for monitoring daily life, in practice there is no gross interference with family affairs. However, especially in areas of active insurgency, homes are entered at will by security or police forces. It is widely assumed that surveillance devices are employed to

monitor the local and international telecommunications systems. There have also been reports of tampering with mail, especially mail from abroad. Regular foreign broadcasts are received without interference, and there is no official restriction on listening to them.

While people are not forced to belong to FRELIMO, there is an obvious correlation between professional advancement and party membership. Nonparty members are also occasionally compelled to attend political indoctrination meetings where they work or live, although in most private firms such meetings apparently cannot be called without the consent of the employer.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There is little tolerance for public criticism of basic government policies and officials at the national level. At the local level, especially in rural areas, there is greater openness as the people express their views on prevailing conditions. In a public meeting in Matola, for example, residents criticized the armed forces for lack of security at night.

The Government exerts either tacit or de facto control over all authorized publications in the country, ranging from the radio and experimental television facilities to the nominally independent daily Noticias. Although the media promote the Government's general philosophy and its positions on issues, there is controlled reporting on abuses within the system or flaws in the implementation of government policies in those areas where the Government has admitted to errors or wishes to initiate changes. Magazines and newspapers frequently contain articles or letters to the editor complaining about the lack of goods and social services or the ineffectiveness of a particular official. During August and September, the media reported a number of critical exchanges between local electoral candidates and voters.

Western journalists (including Americans) are welcome in Mozambique, and the Government generally works to make their visits productive.

b. Freedom of Peaceful Assembly and Association

Political opposition to the Government and to FRELIMO is not permitted. Public meetings other than purely social or recreational gatherings are controlled by the local authorities. The right of Mozambicans to come together to form voluntary associations is limited; local economic cooperatives and social organizations such as sporting groups are encouraged, but politically oriented associations are proscribed. The Government has organized several "mass movements" for women, youth, workers, etc., and utilizes them to motivate and receive "feedback" from the general population. There are also several professional associations, such as the Mozambican writers' association, which are linked to the party. Although membership in these organizations is theoretically voluntary, there is occasional pressure to join.

The formation of independent labor unions is not permitted, and strikes are forbidden. In 1983 the Government established the Mozambique Workers' Organization which was intended to function as a national labor union under FRELIMO guidance. An

independent organized union movement has yet to develop, and the Mozambique Worker's Organization has little influence on economic policy or politics. There are occasional exchanges of delegations in the labor field with other countries, most often with Eastern European countries, but also with Western nations, including the United States.

c. Freedom of Religion

Although the Constitution guarantees freedom of religion and separation of church and state, the Government has placed restrictions on the activities of religious groups. It reserves the right to decide whether individual church buildings can be utilized and has nationalized church schools and hospitals. However, the improvement in church/state relations which began several years ago continued in 1986, and organized religions now operate without official harassment. Pastoral letters issued in 1986 by the Catholic bishops which were critical of governmental policies circulated widely without reprisals by the authorities. In addition, the government-published TEMPO magazine contained two articles which dealt with the productive role played by Protestant churches recently in Mozambican society. Some churches are effective in social work and in acting as channels for the distribution of emergency food donations to the poorest regions of the country.

Although the Government reserves the right to decide whether individual clergy can visit outlying areas, it usually allows such travel in connection with pastoral duties; most churches are open, and services are well attended. The Muslims have also been allowed to establish a national organization, resume religious training, reopen mosques, and send groups on pilgrimages to Mecca. Party members are no longer specifically prohibited from membership in a church or mosque. Critical comments regarding religious beliefs by the Government are almost always general in nature and not directed against specific individuals or churches.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Travel and relocation within the country are controlled by security and employment requirements under the rationale of assuring public and social order. The insurgency makes travel in some areas, particularly in the central provinces of Tete, Zambezia, and Sofala, very difficult. Mozambicans planning to travel outside their place of residence must obtain a travel permit from local government authorities. In practice, this system is not always enforced, especially with regard to travel within the general vicinity of one's residence.

Mozambican law does not address the issue of emigration, but in practice Mozambicans can emigrate if they wish. Several hundred thousand people fled from Mozambique at independence in 1975 because of economic chaos and fear of political persecution. In recent years, more than 350,000 persons have fled across borders to neighboring countries, due mainly to the intensification of the guerrilla war within the central provinces and the scarcity of food caused by the war and the prolonged drought which ended only last year. Some of these people have since returned, but there are still extensive numbers of Mozambican refugees in neighboring countries. Since 1981 the Government has had a policy of welcoming back Mozambicans who left the country, and a 1982 law allows for the

reacquisition of citizenship by Mozambicans who left the country and assumed another nationality. Previously, some Mozambicans who had opposed the party before independence were jailed upon their return to Mozambique. Such imprisonment remains a possibility, but Mozambicans who in 1986 accepted the Government's invitation to return apparently have not suffered harassment or retribution. Supporters of the insurgency or outspoken critics of the Government generally have opted not to return to Mozambique.

Since independence, the Government has readily provided asylum to refugees from neighboring countries. Many thousands of Zimbabweans resided temporarily in Mozambique during the struggle for that country's independence. Most refugees now in Mozambique are from South Africa and Malawi. Since signing the Nkomati Accord in 1984, the Government has restricted the entry of members and supporters of the African National Congress. Despite the poor economic situation, the Government continues to assist refugees by providing land, housing, relief assistance, social services, and in some cases, employment.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

No organized political opposition to FRELIMO is allowed. The party and the Government are controlled by a small cadre of senior officials in the politburo. So-called mass political involvement exists at the provincial, district, and local levels but only within political organizations sanctioned by FRELIMO. Votes by the National People's Assembly endorsing government policies are usually unanimous.

The party and Government espouse a system of "People's Democracy" whereby decisions are theoretically made by consensus; in practice, this means that policies and initiatives emanate from above. The electoral process is closely controlled by the party. The first national elections since 1977 for people's assemblies at the local, district, provincial, and national levels were held from August 15 to December 15. The party drew up single slates of candidates for the elections, and local party structures reviewed these slates with the local population prior to the election. Voters at the village level then physically assembled to vote on the candidates, and often had some degree of choice since there were, by law, 20 percent more candidates than seats available in the various assemblies. In addition, several dozen candidates were rejected by the voters at various election meetings, and some of those elected were not party members. Balloting for district, city, and national assemblies was indirect, but was conducted by secret ballot.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Although the Government has discussed the status of RENAMO prisoners with international relief organizations, including the International Committee of the Red Cross (ICRC), it has not yet allowed them access. At a major ICRC meeting in Geneva in October, Mozambique was cited as one of only six countries that refuses to allow ICRC access to prisoners. Amnesty International has presented to the Government recommendations to strengthen the controls against torture and to limit the right of the security forces to hold detainees for unlimited time without charge, but these recommendations have had no

apparent impact on government policies. In a few cases, however, the Government has been responsive to private inquiries on specific detainee cases.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

In spite of the strains imposed by the war and the economic collapse, racial harmony generally remains a hallmark of Mozambican society. The number of ethnic Asian and white Mozambicans holding important positions is much greater than their proportion of the general population, a reflection of the greater educational opportunities available to these groups prior to independence rather than to unequal treatment. While it is true that the majority of the FRELIMO leadership are members of the southern-based Shangaan tribe, within the black population of Mozambique individual ethnic groups are treated relatively equally by the Government and enjoy constitutionally rooted legal equality. RENAMO, however, tries to exploit what it perceives to be historically based Mozambican intertribal antipathies to appeal to other tribes.

Largely due to government support, women are playing an increasingly important role in Mozambique, particularly at the working levels of government. The 1985 National Congress of the party-affiliated Mozambican's Women's Organization was notable for its avoidance of ideology and its concentration on issues of direct relevance to women.

CONDITIONS OF LABOR

The Government has continued efforts to safeguard the health and welfare of the population. Health and environmental laws protecting workers have been enacted, and the Government has on occasion closed down firms for noncompliance. Recent government legislation provides for the right of 60 days maternity leave. If firms have day-care facilities, women reportedly have the right to 2 half-hour breaks daily for a year to feed their children. The legislation reportedly contains other job-related safeguards for pregnant women and new mothers. Child labor is also controlled, and the minimum working age (excluding agriculture) is 16. The minimum wage for the wage labor sector is approximately $64 per month but is woefully inadequate, given the shortage of food and consumer goods and the high rate of inflation. The Government has been examining the issue of wages, and an increase in wages is expected to be part of an economic reform process which the Government has launched.

Until recently labor law in Mozambique was generally favorable to the employee. However, the Government has enacted a comprehensive labor law that increases the autonomy of employers. Among other things, it allows both public and private firms to fire employees without obtaining governmental permission. Companies may now also reward their best workers with bonuses and penalize less productive employees.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MOZAMBIQUE

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	18.3	38.8	10.5
LOANS.....	0.0	17.0	0.0
GRANTS.....	18.3	21.8	10.5
A.AID	8.9	13.4	10.5
LOANS.....	0.0	0.0	0.0
GRANTS.....	8.9	13.4	10.5
(SEC.SUPP.ASSIST.)...	7.0	13.1	9.7
B.FOOD FOR PEACE.....	9.4	25.4	0.0
LOANS.....	0.0	17.0	0.0
GRANTS.....	9.4	8.4	0.0
TITLE I-TOTAL.....	0.0	17.0	0.0
REPAY. IN $-LOANS.....	0.0	17.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	9.4	8.4	0.0
E.RELIEF,EC.DEV & WFP.	9.4	6.2	0.0
VOL.RELIEF AGENCY.....	0.0	2.2	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS [illegible] K...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	18.3	38.8	10.5
LOANS.....	0.0	17.0	0.0
GRANTS.....	18.3	21.8	10.5
OTHER U> LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	47.4	61.0	2.5	227.9
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	2.5	2.5
IDA	0.0	45.0	0.0	45.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	45.2	0.0	0.0	116.9
UNDP	2.2	2.6	0.0	40.1
OTHER-UN	0.0	13.4	0.0	23.4
EEC	0.0	0.0	0.0	0.0

NIGER

Niger is governed by an authoritarian military regime with power concentrated in the hands of its President, General Seyni Kountche, who heads the nation's highest body, the Supreme Military Council. Kountche took power in 1974 in a military coup, toppling the civilian regime of Hamani Diori. At that time the Constitution was suspended, and Kountche has since ruled by decree. The freedoms of assembly, speech, and political activity are restricted. Public dissent is almost nonexistent, and private dissent tends to be rare for fear of retribution.

Niger, one of the world's poorest countries, occupies a large area in the arid Sahel region of West Africa. The economy hinges on subsistence farming, livestock, and some of the world's largest uranium deposits. However, severe drought, a 3.1 percent population growth rate, and declining world demand for uranium since the early 1980's have had a serious negative impact on the Nigerien economy.

The human rights situation in Niger improved marginally in 1986. The Government is proceeding cautiously with the further development of the National Development Society, which many believe will lead to greater civilian involvement in economic decisionmaking. Substantial progress was made on a "national charter" which is scheduled to be the subject of an early national refrendum. President Kountche stressed publicly in April, however, that the armed forces will continue to play a preponderant role in the political life of the nation no matter how democratic institutions evolve. Early in 1986, trials of public officials accused of corruption were held in public, the defendants had able legal counsel, and the verdicts rendered were less than the maximum penalty (death) prescribed by the law. Those persons arrested following the October 1983 coup attempt are still being held in detention. The restrictions on nighttime travel in Niger were lifted early in the year. Niger also signed the Organization of African Unity's African Charter of Human and Peoples' Rights in 1986.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killings.

b. Disappearance

No disappearances were reported.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Systematic torture of detainees and prisoners is not believed to take place in Niger. While not officially sanctioned by the Government, cruel treatment, usually in the form of physical beatings, has been meted out, however, by officials charged with the custody of political prisoners. Non-Nigeriens resident in Niger are frequently harassed by the police and occasionally suffer physical abuse while in detention. It is believed that political prisoners or detainees are rarely allowed visits from family members, but some with severe

medical problems have been allowed treatment by specialists from Europe.

d. Arbitrary Arrest, Detention, or Exile

With the Constitution suspended since 1974, there are no specific statutory protections against arbitrary arrest or imprisonment. Warrants are not required for an arrest, and there is no right to judicial review of the legality of arrests or detentions. For criminal offenses, the law holds that detainees must be charged within 48 hours, but delays sometimes occur as the result of a lack of trained legal officials. In cases concerning political or security-related matters, detainees can be held indefinitely without charge, as in the case of the 19 detainees held in connection with the October 1983 coup attempt who are still awaiting trial. Amnesty International estimated their number at 20-25 at the end of 1985. Former President Hamani Diori remained under house arrest at the end of 1986. When the Government believes the national security to be at risk, large numbers of citizens may be rounded up arbitrarily for questioning, as with the roundup of Tuaregs in Niamey after the attack on a police station in Tchin-Tabaraden in 1985.

Forced labor is not practiced in Niger, but during the 1985 drought emergency, displaced herders, primarily ethnic Tuaregs and Fulanis, were in some instances forcibly moved onto government-sponsored, vegetable-growing projects. There are no known instances of dissidents or political opponents being exiled by the Kountche Government, although some dissidents have voluntarily gone into exile.

e. Denial of Fair Public Trial

The exact number of political prisoners in Niger is unknown. The 11 Tuaregs convicted and sentenced to death in connection with the Tchin-Tabaraden affair had reportedly not been executed by the end of 1986.

Political and security-related cases are tried in the State Security Court, which operates outside the traditional legal framework. This body, established by presidential decree, meets in secret, and while little is known about its proceedings, it is believed that its members are military officers. According to Amnesty International, the Tuaregs condemned to death in 1985 were tried before this court.

Civil and criminal cases not involving security-related acts are tried publicly. Legal counsel is provided for indigent defendants accused of felonies or other major offenses if they are under 18 years of age, handicapped, or faced with the possibility of a sentence of more than 10 years. While there are reliable accounts that courts in some specific cases have been subject to political influence or pressure in ordinary civil or criminal cases, the judicial system is believed to be generally independent and fair. Defendants may appeal verdicts first to an appellate court and, if desired, to the nation's highest tribunal, the State Court, composed of civilian magistrates, which serves as a final court of appeals. The President has the right of pardon in penal cases and has invoked this right on several occasions in recent years. At the village level, matters such as property disputes are frequently resolved by traditional means without reference to the formal legal system.

NIGER

In June 1985, President Kountche announced the formation of a special court to investigate civil service corruption. Stiff penalties were established for these crimes, including the death penalty for convictions of embezzlement of amounts over $500,000. At the corruption trials held in 1986, however, life imprisonment was the most severe penalty assessed.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The police have the right to enter homes between 5 a.m. and 9 p.m. and will enter at other times if deemed necessary. Many of the Tuaregs rounded up in Niamey in early June were removed forcibly from their homes. Court warrants are not required in such instances. Violations of privacy such as interference with correspondence, telephone tapping, and use of informer networks are known to take place.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These freedoms are restricted. Institutions which might voice dissent, such as an independent press or a freely elected legislature, do not exist. The media are controlled by the Government. While some criticism of government policy or bureaucratic inefficiency is allowed, especially in the weekly publication Sunday Sahel, such criticism is expressed at the behest of, or at least with the knowledge of, the Government. Debates on aspects of the economy or cultural policy sometimes take place in the media, but the boundaries of permissible discussion are well understood in advance by all participants. The primary functions of the media are to disseminate government policies and viewpoints and to rally popular support for government programs and leading figures such as the President. Nigerien journalists are acutely aware of their status as government employees and of the guidelines within which they must operate. Journalists who the Government believes have strayed from these guidelines have been demoted, fired, or otherwise disciplined in the past, although no such incidents occurred in 1986. While there are no legal constraints on academic freedom, in practice university students and professors are reluctant to speak openly about potentially controversial domestic issues for fear of government reprisal. There have been no reports of censored or banned magazines or other publications, but the Government is under no legal constraints should it discover material that it deems offensive. Foreign films are subject to censorship by the Ministry of Interior on grounds of public morality and political content.

b. Freedom of Peaceful Assembly and Association

Except for political parties, most forms of voluntary association, such as trade unions, churches, and other religious groups, function with the understanding that they must act in accordance with government policy. Government permission is required for public gatherings, although, in practice, public meetings of such organizations are usually allowed.

The trade union movement is controlled and partially financed by the Government. All unions are organized under a government-controlled umbrella group, the National Union of Nigerien Workers (USTN). The head of the USTN is appointed by

the Government. The USTN represents about 30 percent of the approximately 60,000 salaried workers in Niger. The group is poorly financed partly because of government refusal to allow fund-raising methods such as a wage checkoff system. Lower level elections in the USTN are believed to be fairly democratic. Strikes in Niger are rare, although legal if conciliation and arbitration procedures have been exhausted. The USTN maintains relations with recognized international bodies and sends representatives to international meetings. It is a member of the Accra-based Organization of African Trade Union Unity.

c. Freedom of Religion

Niger is overwhelmingly Muslim, but Christian Churches are allowed to operate freely. Conversion from one religion to another is not prohibited but rarely occurs. Foreign missionaries are permitted to live, work, and travel in Niger. There have been no reports of religious discrimination. The Government, cautious because of the Islamic fundamentalist violence which erupts periodically in northern Nigeria, monitors Muslim religious activity through the Islamic Association. This Association is funded by the Government and assists in an informal government screening process of local religious leaders. Islamic services that have gone beyond strictly religious subjects have been shut down. Religious groups are allowed to maintain links with coreligionists in other countries.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Travel within Niger is closely monitored, although no special travel documents are required for domestic travel. Police checks, often entailing thorough searches, take place upon entering or leaving any major town or city. These checks reflect a governmental preoccupation with smuggling, a concern over possible movements into the country of foreign-based dissidents or criminal elements, and a policy designed to discourage migration to urban areas. Nigeriens wishing to travel abroad must obtain exit visas, which are usually granted routinely. Married women must have the permission of their husbands to travel abroad. The repatriation of Nigerien nationals is unrestricted. In May 1986, the Government efficiently resettled about 2,000 Nigeriens who were expelled from neighboring Algeria. Niger is a party to the U.N. Convention and Protocol Relating to the Status of Refugees and has been very cooperative respecting the 19 refugees currently in Niger under U.N. High Commissioner for Refugees auspices.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The capacity of the people to influence the Government is extremely limited. Virtually all power is held by the President, General Seyni Kountche. He rules through the Supreme Military Council which is made up of officers who helped stage the 1974 coup that toppled the previous civilian regime. Kountche rules by decree, makes all government appointments, and controls the pace of political change and economic development. Government operations are conducted largly by civilian technocrats who implement decisions promulgated by the Supreme Military Council and Kountche himself. The President derives his power from the military. While all but three of the ministerial positions have passed

from military to civilian hands in recent years, all of Niger's seven departments have military governors, who have virtually autocratic power within their departments. Moreover, there is a marked military presence in the upper echelons of the National Development Society.

In lieu of a party system, the Kountche Government since 1979 has been organizing the National Development Society which in theory will lead to greater popular participation in economic decisionmaking. The Society consists of a hierarchical network of councils at the village, regional, departmental, and national levels. The councils consist of elected and appointed members, although only at the village level are members elected directly by the people. The national level council consists of Nigeriens from all walks of life, who also serve on special committees to consider various aspects of economic development, cultural policy, and social issues. One such committee has written and widely distributed a national charter which, it is believed, could serve eventually as the basis for a new constitution.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Niger is not active in regional and international human rights organizations. In recent years, inquiries from international human rights organizations have apparently been ignored by the Government. There are no domestic groups which monitor the human rights situation in Niger.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The essentially traditional nature of Nigerien society helps ensure that family and ethnic group ties remain strong and supportive, but traditional practices and attitudes on ethnicity, women, and education have some negative effects. Males have considerable advantages in terms of education, employment, and property rights. In case of divorce, custody of all children under 8 years of age is given to the husband. Conscious of this situation, the Government has made progress in improving the status of women by launching work on a new family code, by providing better employment opportunities to women, by giving them a significant role in the National Development Society, and by supporting the National Women's Association. In 1986 the Government continued to encourage Nigeriens to practice birth control.

Four major ethnic groups, each with its own language, make up the bulk of the population. The two primarily nomadic groups, Tuaregs and Fulani (Peul), have less access to government services, partly because their transient lifestyles make it difficult for the Government to supply them with services and partly because of historical animosities between the nomads and the sedentary Djerma and Hausa ethnic groups which dominate the Government.

CONDITIONS OF LABOR

Under the Niger labor code, workers receive benefits for on-the-job injury, leave for family emergencies, and health benefits. Annual holidays and leave benefits are clearly defined. Children between the ages of 12 and 18 may be employed, but there are strict provisions concerning the hours

of employment and types of employment for children in this age group. All labor provisions, especially those concerning child labor, apply in practice only to urban areas. In the agricultural sector, which employs most Nigeriens, children work on family plots under conditions which are not in compliance with the provisions of the labor code.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: NIGER

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	29.3	51.0	27.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	29.3	51.0	27.1
A.AID	26.4	27.5	24.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	26.4	27.5	24.2
(SEC.SUPP.ASSIST.)...	5.0	5.0	4.8
B.FOOD FOR PEACE.....	0.5	20.9	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.5	20.9	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.5	20.9	0.0
E.RELIEF,EC.DEV & WFP.	0.5	17.5	0.0
VOL.RELIEF AGENCY.....	0.0	3.4	0.0
C.OTHER ECON. ASSIST...	2.4	2.6	2.9
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.4	2.6	2.9
PEACE CORPS.....	2.4	2.6	2.9
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	2.2	5.2	4.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.2	5.2	4.0
A.MAP GRANTS.....	2.0	5.0	3.8
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.2	0.2	0.2
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	31.5	56.2	31.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	31.5	56.2	31.1
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	34.6	37.0	62.8	579.0
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	2.6
IDA	11.7	16.8	62.8	305.7
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	20.0	12.0	0.0	73.0
UNDP	2.9	3.0	0.0	55.3
OTHER-UN	0.0	5.2	0.0	15.1
EEC	0.0	0.0	0.0	127.3

NIGERIA

President Ibrahim Babangida came to power in a military coup on August 27, 1985, overthrowing the military government of Major General Muhammadu Buhari that had seized power from civilians in December 1983. A 28-member Armed Forces Ruling Council (AFRC) is the main decisionmaking organ of the Government, while a 22-member Federal Cabinet presides over the Government's executive departments. Military governors, appointed by the President and assisted by mixed military/ civilian executive councils, head Nigeria's 19 state governments. The 1979 Constitution remains partially in effect, but significant provisions, namely, those guaranteeing free elections, the existence of political parties, and the right to due process and habeas corpus, are suspended. The Government has pledged to return the country to civilian rule by 1990. The appropriate form and structure for a postmilitary government was publicly debated during 1986.

Legislation at both the federal and state levels continues to be promulgated by decree. All decrees are exempt from challenge in the courts. The Government enforces its authority through the federal security apparatus: the national police, the military, and the State Security Service (SSS). No separate law enforcement agencies exist at the state and local levels.

Nigeria, with an estimated 100 million people, is Africa's most populous country. It has a mixed economy in which the Government plays a major but declining role in all important sectors. On June 27, 1986, President Babangida announced a major program of structural adjustment, featuring a Second-tier Foreign Exchange Market (SFEM), which allows the supply and demand of foreign exchange to determine the SFEM exchange rate. With the introduction of the SFEM on September 26, import licensing procedures, price controls, and many other Government restrictions were liberalized or abolished to help stimulate domestic production and employment, overcome public sector inefficiencies, and increase nonoil exports.

In 1986 the Babangida Government continued to demonstrate a commitment to restoring some of the human rights formerly protected by the 1979 Constitution but seriously circumscribed in 1984-85. Judicial commissions, appointed in late 1985, reviewed the cases of all pending and conditionally released detainees, as well as the cases of all persons convicted by military tribunals, created under 1984 decrees, of corruption, currency violations, counterfeiting, drug trafficking, and petroleum smuggling. The AFRC generally upheld the commissions' recommendations, confirming detainees' releases or slating them for future trials, and releasing prisoners or reducing their sentences. The AFRC also provided for judges to head future special tribunals, established an appeal procedure for all persons convicted by the tribunals, and reduced penalties to make them more appropriate to the offense. The death penalty was abolished for cases of people convicted of oil smuggling and drug trafficking.

The Government in 1986 moved decisively against potential violent opposition. Ten military officers were executed in March for coup plotting in late 1985 following trial and conviction by a special military tribunal. The officers had access to legal defense counsel and exercised their right to appeal their convictions. The Government also introduced banning from political life as retribution for the misdeeds of former politicians. In June 1986, President Babangida

announced that all former politicians would be excluded from holding public office and participating in partisan politics for 10 years following the resumption of political activity. Former civilian President Shehu Shagari and his Vice President, Alex Ekwueme, have been banned from politics for life. In June the Government temporarily closed 20 institutions of higher education and banned the leading student organization in the wake of nationwide campus demonstrations protesting police killings of at least 4 students during a student strike at a northern university.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There was no evidence of politically motivated killing in Nigeria at government instigation in 1986. In October a letter bomb killed the editor-in-chief of a weekly newsmagazine that had published investigative articles on controversial topics such as Nigerian involvement in drug trafficking and the dismissal of a key government official. Speculation about the incident includes unsubstantiated allegations of government involvement. A government investigation is underway.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reports or allegations of torture. A portion of the 1979 Constitution which is still in effect outlaws torture and the mistreatment of prisoners. Nigerian law provides that such excesses be dealt with in criminal or civil proceedings. Prison conditions remain poor because of severe overcrowding and insufficient funds for basic necessities. According to unconfirmed newspaper reports, approximately 100 members of a northern religious sect arrested following a 1984 uprising have since died of hunger and malnutrition.

d. Arbitrary Arrest, Detention, or Exile

The Babangida Government has retained the authority to detain persons suspected of acts prejudicial to state security or harmful to the economic well-being of the country under Decree 2 of 1984, the State Security (Detention of Persons) Decree. This decree suspends the 1979 constitutional guarantee of the right to habeas corpus and cannot be challenged in any court of law. In response to public outcry, the Government rescinded a 1986 amendment to Decree 2 that would have extended the maximum initial detention period from 3 to 6 months and given detention powers to the Inspector General of Police as well as to the Chief of General Staff.

In June the Government detained leaders of the Nigeria Labor Congress (NLC), some for up to 2 weeks, to head off a nationwide labor demonstration called in sympathy with students protesting the death of a number of students on a university campus in northern Nigeria during confrontations with the police in May. The Government also detained, and subsequently released without prosecution, several members of the Academic

Staff Union of Universities while investigating their involvement in the campus disturbances. In April newspapers reported the detention of several unnamed former politicians. In one known case, former National Assembly member Tanko Yakassai was held by security officials for 31 days. Speculation at the time connected his detention to an April 18 warning to former politicians to stop defying the 1984 ban on political activity. Four of the soldiers acquitted in March of coup plotting remained in custody afterwards for several months despite their acquittals.

In 1986 a judicial panel headed by a Supreme Court judge reviewed the cases of approximately 1,700 persons detained under Decree 2 during the Buhari Administration (1984-85), many of whom had already been released. A government white paper published in July upheld most of the panel's recommendations absolving many of the detainees of wrongdoing and recommending others for formal charging and trial. Among those absolved by the panel and released after publication of the white paper were former President Shehu Shagari and Vice President Alex Ekwueme, both held for 31 months without charge. Both are now banned for life from political activity and restricted to their local government areas. About 800 of the former detainees, mainly former politicians and public office holders, are to be prosecuted for corruption by a special tribunal named in September under Decree 3, Recovery of Public Property (Special Military Tribunal). Still in detention without charge are former Head of State Muhammadu Buhari and his Chief of Staff, Tunde Idiagbon.

No Nigerian has been exiled. Self-exiled politicians are free to return home with the caveat that those suspected of crimes will be subject to prosecution.

The Military Government does not use forced labor as a means of political coercion or as a sanction against free expression. Nigeria's 1979 Constitution provides that "no person shall be required to perform forced or compulsory labor." The latter excludes community service programs such as the National Youth Service Corps and environmental clean up campaigns.

e. Denial of Fair Public Trial

The 1984 decree modifying the 1979 Constitution left the judiciary relatively unscathed, although special military tribunals were established outside the regular judicial system, notably for corruption cases. The judiciary is composed of both federal and state courts and includes procedures for appeals from state high courts to the Federal Court of Appeals and to the Federal Supreme Court. There are also constitutional provisions providing for the use of Islamic and local tribal law in civil cases.

Provisions of the 1979 Constitution still in force guarantee persons charged with crimes a fair public trial in civilian courts within 3 months from the date of arrest. However, cumbersome administrative procedures and inefficiency sometimes result in prisoners being held for extended periods before being charged or tried. During routine inspections of prisons in 1986, High Court chief judges exercised their right to release detainees found to have spent more time in prison than they would have if they had been convicted for their alleged crimes. Trials are public and adhere to constitutionally guaranteed individual rights. In capital cases, the Government provides counsel for indigent defendants. In other cases,

indigents must rely for counsel on the Nigerian Legal Aid Society which has limited resources. In March the Government amended the Legal Aid Act of 1976 to extend assistance to persons with incomes up to approximately $500 per year at current exchange rates.

The Babangida Government used a special military tribunal, constituted under Decree 1 of 1986, to try 23 persons for alleged complicity in a December 1985 coup plot. Ten persons, all members of the armed forces, were sentenced to death and executed in March. The tribunal acquitted six defendants and gave others jail terms. Although their trial was held in camera, the Government allowed military lawyers to defend the accused, a judge-advocate to advise tribunal members on points of law, and observers from the Nigerian Bar Association (NBA) and the Ministry of Justice to witness the trial. NBA observers later stated that lengthy accreditation procedures kept them from observing most of the trial. The observers never made their observations public. Appeals to the chiefs of the military services were denied, and the Armed Forces Ruling Council (AFRC) upheld the convictions before sentences were carried out.

The Buhari Government issued decrees that removed certain crimes, including corruption crimes, from the jurisdiction of the civilian judicial system to special military tribunals. These decrees remain in effect. In keeping with its human rights commitment, however, the present Government established judicial review commissions composed of distinguished civilians and military officials to conduct an extensive review in 1986 of detentions and convictions under these decrees. The AFRC then amended the decrees to restore a measure of due process to the extrajudicial procedures.

The commissions, acting essentially as appellate courts, forwarded their findings to the AFRC which in most cases upheld the panels' recommendations for release, acquittal, reduced sentences, or future trial. While supporting reduced prison terms for many former politicians convicted of corruption, the AFRC frequently added a specified period of exclusion from public office and involvement in partisan politics to the convict's penalty. Following disposition of the cases under review, the Government amended the 1984 decrees. Amendments added an appeal procedure (through a Special Appeal Tribunal), a guarantee that judges would head all tribunals, and abolished the death sentence for a number of offenses. Recommendations of the Special Appeal Tribunal are subject to confirmation by the AFRC. With the change in the composition of the corruption tribunals operating under the Buhari-era decrees, the Nigerian Bar Association lifted its 1984 boycott of the corruption trials which had been called in protest over the absence of legally trained tribunal members. Future corruption trials--nearly 800 cases are pending--may be conducted in public rather than in camera. At the swearing in of two new corruption tribunals in September, the officiating judge cautioned the press to report accurately on the trials. At the end of 1986, the reconstituted corruption tribunals had heard only one of the pending cases.

On several occasions during 1986 the Babangida Government reiterated its commitment to uphold the integrity of the judiciary and to redress past judicial wrongs. On the ground that there may have been a miscarriage of justice, the Government dismissed a judge and released a popular jailed musician who said the judge had later admitted privately to

convicting him for currency trafficking in 1984 under pressure from government officials. The judge subsequently denied the charge. This celebrated case had been regarded by some observers as evidence of government interference with the judiciary during the Buhari regime.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Nigerian society is generally free of arbitrary interference by the State in the private lives of its citizens. Provisions of the 1979 Constitution still in force guarantee rights of privacy in the home, correspondence, and communications. General surveillance of the population by the State is not practiced. Forced entry into homes without a warrant is not generally permitted. Under the Buhari regime police and members of the Nigerian Security Organization occasionally entered homes and offices without a warrant when seeking evidence in corruption cases. There is no political enforcement of social, cultural, or religious codes.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The modified Nigerian Constitution continues to guarantee freedom of expression and press. There was no evidence of overt government censorship of the media in 1986, and President Babangida granted a full pardon to two journalists who had each spent 1 year in jail for conviction under an abrogated 1984 decree that curtailed freedom to publish information about government officials. Nevertheless, government officials did appeal to journalists on several occasions to be responsible in practicing their profession. In at least two instances, the Government moved against journalists considered to have overstepped government bounds. In February a judicial panel charged and convicted a journalist of contempt of court for writing a news magazine article critical of the panel for its controversial ruling exonerating former President Shehu Shagari and Vice President Alex Ekwueme of wrong-doing and recommending their immediate release from detention. The journalist appealed the conviction. A radio journalist was detained briefly after making an erroneous broadcast that the Voice of America had reported that Nigeria was about to accept an International Monetary Fund loan, a controversial domestic political issue.

The 1979 Constitution reserves to the Federal and state governments the right to own and operate radio and television stations. Nigeria has a lively press, and there are no restrictions on ownership of print media. Among the vast array of Nigerian daily newspapers are four privately owned national dailies with large circulations, one daily owned by the Federal Government, and another in which the Federal Government owns a majority share. Some states operate their own daily newspapers. In some states, privately owned dailies compete with state papers. Four weekly news magazines vie for national readership.

b. Freedom of Peaceful Assembly and Association

Nigeria's 1979 Constitution guarantees the right to peaceful assembly and association in trade unions and special interest associations. The provision granting persons the right to form or join political parties remains suspended. Decree /9 of

1984, still in force, dissolves all political parties and authorizes the Government to dissolve any other group considered to have objectives similar to those of a political party. Frequently during 1986, government officials reminded former politicians publicly that the ban on political activity and organizing remains in effect. In June President Babangida announced the exclusion of former political figures from participation in partisan politics for a period of 10 years from the resumption of political activity. All former national and state elected and appointed government officials and political party leaders from the 1979-1983 civilian era are expected to be affected by the ban, although the Government has already exempted one politician from the ban and indicated that there may be other exceptions.

In January the Government lifted bans on the Nigerian Medical Association (NMA), the National Association of Residential Doctors (NARD) and the National Union of Nigerian Students (NUNS), an organization virtually supplanted during its 6-year proscription by the National Association of Nigerian Students (NANS).

In June more than 20 institutions of higher education were closed, and NANS was banned, in the wake of nationwide campus demonstrations protesting the police killing of students during student disturbances at Ahmadu Bello University in May. The Government publicly stated that four persons died during those disturbances. Accusations by the media that fatalities were higher and that police abuses took place at Ahmadu Bello University are unconfirmed. Following the events, members of the mobile police unit which responded to the disturbances were charged with culpable homicide and suspended pending an investigation into their conduct. The results of the investigation have not been made public. In December the Minister of Education lifted a ban, in effect since June, on student organizing on individual campuses.

Despite guarantees in the 1979 Constitution and Nigeria's ratification of 28 International Labor Organization (ILO) conventions, there are instances where government decrees and policy continue to act to restrict labor freedoms. A 1978 decree created a single central labor body, the Nigeria Labour Congress (NLC), forcibly merged a number of unions into 42 industrial unions, and deregistered all other unions. The Government has not responded to the 1982 ILO committee of experts finding that this decree violates ILO Convention 87 on Freedom of Association and Protection of the Right to Organize, to which Nigeria is a party. The 1978 decree also created senior staff associations for white collar workers, which a 1986 decree explicitly excluded from NLC membership, forcing two such associations to withdraw. Since 1975 government policy has permitted international labor affiliation only with the ILO and the Organization of African Trade Union Unity and its affiliated Pan-African Labor Federations. In May the Government prevented the African regional meeting of the International Transport Worker's Federation (ITWF), an affiliate of the International Confederation of Free Trade Unions, from taking place in Lagos on grounds that the membership of the local host union in the ITWF violated government policy. Government policy does permit, however, informal "fraternal relations" with foreign unions and secretariats as long as there is no formal affiliation.

Although Nigeria's union leadership generally has been democratically elected and independent of government control,

an exception occurred in October when the Government gave state-appointed administrators temporary control of two unions paralyzed by leadership disputes. The Government cited as its authority the 1985 National Economic Emergency Decree which granted the Government broad authority until December 1986 over labor matters. Nigerian law and practice provide that the terms and conditions of labor will be determined by collective bargaining agreements between management and trade unions. However, a national wage freeze imposed in 1984 remains in effect. Wage cuts imposed by decree in 1985 on all public and private sector employees, without regard to preexisting contracts or union consultation requirements, to finance a National Economic Recovery Fund were lifted in October. Some categories of low-paid workers received a full refund of their mandatory contribution.

The 1976 Trade Disputes Decree, which governs industrial disputes, provides for mediation by an industrial arbitration panel and a national industrial court and forbids strikes and lockouts while disputes are under mediation by these bodies. Although this decree has been applied in past disputes, it has not always had the intended effect of curtailing strike activity, as workers have often ignored it, and the Government has not always enforced it. Workstoppages, numbering up to several hundred a year during the 1979-1983 civilian era, were rare in 1985 and 1986, reflecting both the weakened bargaining position of unions because of depressed economic conditions and the impact of warnings by the military Government that it would not tolerate "industrial indiscipline."

All Nigerian workers 16 years or older may join trade unions, with the exception of members of the armed forces and designated employees in the essential government services sector. Employers are obliged to recognize trade unions and must pay a dues checkoff for employees who are members of a registered trade union. Nevertheless, some unions, especially small ones, are in serious financial difficulty following 4 years of depressed economic conditions. The establishment of closed shops is prohibited.

c. Freedom of Religion

Constitutional provisions guaranteeing freedom of religious belief, religious practice, and religious education are generally respected throughout Nigeria. Reports continue of harassment of Christians by state officials in the predominately Muslim North through the imposition of excessive bureaucratic requirements for church construction projects and occasional refusal of permission to build. There are no restrictions on numbers of clergy trained nor on contacts with coreligionists in other countries. Religious travel, including the Hajj, is permitted and in some cases officially supported. Missionaries and foreign clergy, though limited by quotas, are permitted to enter Nigeria. Some states require licenses for religious services outside churches and mosques.

Tensions between the Muslim and Christian communities of Nigeria surfaced in January when Nigeria became a member of the Organization of the Islamic Conference (OIC). Christians, who comprise an estimated one-third of Nigeria's population, charged that the move contravened a constitutional provision declaring Nigeria a secular state and demanded Nigeria's complete withdrawal from the organization. Muslims, who comprise about 45 percent of the population, argued that

NIGERIA

Nigeria, with the largest Muslim population in black Africa, should be a member of the organization and denied that membership made Nigeria an Islamic state. Government promises to retain Nigeria's multireligious character and the secular status guaranteed by the Constitution failed to assuage Christian fears, but Nigeria did not participate in any OIC activities during the year. At the height of the tensions, in a city with a large proportion of both Christians and Muslims, Muslim blockage of an Easter procession of Christian worshipers resulted in violence that left several persons injured and one church damaged. The Government has proposed the formation of a council on religious affairs to "regulate" religious matters. Christian leaders oppose the idea of a council with regulatory authority.

The 1982 ban on the Maitatsine religious sect remains in effect. The group still exists, however, and is apparently being closely monitored by the police. Police sporadically announced arrests of "religious fanatics", probably references to suspected members of the sect. Members of the group arrested following the 1984 Maitatsine uprising in Gongola State are still in custody. They may remain so indefinitely, according to newspaper reports quoting the state's Attorney General, for lack of witnesses willing to testify against them in court. More than 100 have reportedly died of hunger and malnutrition since their arrest.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Nigeria's Constitution entitles citizens to move freely throughout Nigeria and to reside where they wish. The same provision prohibits expulsion from Nigeria or the denial of entry to or exit from Nigeria to any citizen. In general, these provision have been observed. In April police announced the restriction of public office holders from the civilian era (1979-1983) to their states of origin or domicile and required them to report to police commissioners within 24 hours, surrender their passports and other travel documents, and thereafter report to the police each Monday. Although a number of former politicians complied with the order, others did not, apparently without retribution. The order, which was intended to control movements of former public officials pending the outcome of on-going investigations, may have become irrelevant in light of the July publication of the government white papers disposing of the cases under review by judicial panels.

Nigeria's land borders, closed since April 1984, were opened in March. The Government announced in September that passport validity will revert from 2 to 5 years. Nigerians travel abroad in large numbers, and many thousands are studying abroad. Exit visas are not required.

There has been no forced resettlement of Nigerian citizens. Nigerian law and practice permit temporary refuge and asylum in Nigeria for political refugees from other countries. Nigeria supports and cooperates with the the United Nations High Commissioner for Refugees who has an office in Lagos. No known penalties have been levied on Nigerians who have emigrated, settled abroad, or acquired another nationality. However, Nigeria does not recognize dual nationality, and naturalization in another country does not release Nigerians from Nigerian laws.

NIGERIA

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Armed Forces Ruling Council (AFRC), a 28-member group of military officers headed by President Babangida, is the highest political authority in Nigeria and the principal decisionmaking body in the Government. There is no elected legislative body, and political parties are prohibited. The AFRC promulgates all laws by decree, and all decrees are exempt from challenge in any court of law. The President appoints a Federal Cabinet, currently composed of 22 military and civilian ministers in almost equal numbers, which presides over the executive departments and comprises the Council of Ministers. Military governors head the 19 state governments. Together with the President, the 19 state governors constitute a National Council of States.

President Babangida has set 1990 as the date for returning Nigeria to civilian rule. Although no formal political structures exist to allow popular input into government decisionmaking, Babangida has encouraged the public to become involved in deciding what form the next civilian government should take. In January the President appointed a 19-person political bureau to organize and implement a nationwide debate on Nigeria's political future and to synthesize public commentary into recommendations for him by the end of the year. Like the public debate in 1985 over acceptability of an International Monetary Fund stabilization loan, the 1986 debate on Nigeria's political future was conducted in the media, in the forums of professional organizations, and in written testimony provided directly to the political bureau by a wide range of persons, including university professors, businessmen, religious leaders, and former politicians.

The composition of the current Government reflects greater ethnic and religious diversity than any government in the recent past. However, there are currently no women on the AFRC or in the Federal Cabinet, although some women serve as commissioners in state governments.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights

The Babangida Government has pledged that it will uphold basic human rights. The Human Rights Committee of the Nigerian Bar Association (NBA) monitors the domestic human rights situation and has consistently spoken out against human rights abuses. The NBA objected strongly to the Government's move to extend its detention powers, and the Government rescinded the decree in question. At least two other groups also monitor human rights in Nigeria. One, the Nigerian Council of Human Rights, an independent organization formed in 1985, issued a statement commending the Government for amending 1984 decrees but called for repeal of the decree allowing detention without trial. Another group, Citizens for Human Rights, commended the Babangida Government for its human rights record. The Government has taken no measures against these organizations or their individual members for their watchdog activities. The former chairman of the NBA human rights committee continues to hold the post of Attorney General and Minister of Justice.

Nigeria hosted two recent international human rights conferences, including the Pan African Conference on Human Rights and Africa's Cultural Heritage in September. Speakers

included Nigeria's former Head of State General Yakubu Gowon, who returned from self-exile in the United Kingdom to participate. Amnesty International maintains an office in Lagos and circulates a monthly newsletter. Its annual human rights reports receive press attention.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status.

There is no official policy of systematic discrimination among Nigeria's diverse ethnic and religious groups, and laws do not overtly favor one group over another. The Government generally makes a conscious effort to strike a balance among different groups in its decisionmaking and in appointments to key governmental positions. However, Nigeria has a long history of tension among the diverse ethnic groups, and tradition continues to impose considerable pressure on individual government officials to favor their own ethnic or religious group. Allegations of favoritism persist.

Women have always had economic power and have exerted influence in Nigerian society through women's councils or through their family connections. There has been a dramatic increase in the number of women who have university degrees and who have become professionals, including teachers, lawyers, doctors, judges, senior government officials, media figures, and business executives. But despite a degree of economic independence, women suffer legal discrimination, experience social inferiority, have virtually no representation in the political arena, and despite their achievements, are often discriminated against in employment. The pattern and specific features of discrimination against women vary according to the ethnic and religious diversity of Nigeria's vast population. In some states, husbands can prevent their wives from obtaining employment or passports. In many states, a widow cannot inherit her husband's property, which in the absence of children usually reverts to the husband's family. Women do not receive equal pay for equal work, and male professionals receive fringe benefits not extended to their female counterparts. Female circumcision, which has never become a major public issue, is still practiced in many areas.

CONDITIONS OF LABOR

Nigeria's 1974 labor decree establishes a 40-hour work week, prescribes 2 to 4 weeks of annual leave, and sets a minimum wage for commerce and industry of 125 naira per month, equal to about $40 after the September devaluation. The labor law prohibits employment of children under 15 in commerce and industry, restricts other child labor to home-based agricultural or domestic work, and allows the apprenticeship of youths aged 13-15 only under specified conditions. It contains general health and safety provisions, some aimed specifically at young and female workers, enforceable by the Ministry of Employment, Labour, and Productivity. Employers must compensate injured workers and dependent survivors of those fatally injured in industrial accidents.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: NIGERIA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	0.0	0.0	2.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	2.0
A.AID	0.0	0.0	2.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	2.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.1
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.0	0.0	2.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	2.1
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	487.6	125.4	333.1	3327.8
IBRD	438.0	119.0	312.9	3001.2
IFC	4.9	2.5	20.2	50.0
IDA	0.0	0.0	0.0	35.3
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	9.6
UNDP	4.7	3.9	0.0	93.7
OTHER-UN	0.0	0.0	0.0	48.0
EEC	40.0	0.0	0.0	90.0

RWANDA

Major General Juvenal Habyarimana has headed the Government since his accession to power in a nonviolent coup in 1973. The President is also the founder of the single party, the National Revolutionary Movement for Development (MRND). Government policy is set by the President in consultation with the party's central committee and the Council of Ministers. Laws are adopted by the National Development Council (the legislature), which was established in 1982. In December 1983, President Habyarimana, the sole candidate, was reelected along with a new slate of deputies. Although the legislative candidates had to be approved by the party, the race was open to almost all who chose to run.

The major organizations responsible for administration of justice include the Ministry of Justice, which controls the courts, the judicial police, and the prison system; and the gendarmerie, a paramilitary force which receives specialized police training. In addition, the Central Intelligence Service in the Office of the President can make certain decisions which may not be appealed, such as denial of passports to Rwandan citizens or the extension of visas and residence permits to foreigners.

Most Rwandans are poor rural farmers. There is little industry, and imports are expensive because of high transportation costs. Nevertheless, food production has managed to keep pace with the high population growth rate.

The Constitution guarantees fundamental human rights, and the Government, including the President, emphasizes respect for the rule of law. Although the human rights situation in Rwanda has generally improved in recent years, one development of major concern in 1986 was the trial of 295 members of minor religious sects, accused of inciting disobedience to legal authority. All, including 11 minors, were sentenced to terms of 4 to 12 years.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of politically motivated killings or summary executions.

b. Disappearance

Unexplained disappearances have not occurred in recent years.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reports of torture in 1986. In the past, Amnesty International has noted allegations of torture made in court by political prisoners, involving forced confessions and electrical shocks, but has also noted the Minister of Justice's efforts to punish security and police officials found to have ill-treated prisoners.

Conditions in the overcrowded prisons are generally poor. Guard training is inadequate. Although Amnesty International has not released its report on its May 3-10, 1986, visit to

RWANDA

Rwanda, the delegation leader indicated on a local radio interview before departure that the team had been impressed with the progress toward improving prison conditions. The Government attempts to cope with overcrowding in part by periodic amnesties of persons who have served half their terms or have fewer than 5 years to serve. The most recent amnesty was announced in September 1986.

d. Arbitrary Arrest, Detention, or Exile

Except for suspects caught in the act of committing crimes, arrests are normally made with a warrant following investigation. In most cases, charges must be formally stated in the defendant's presence within 5 days of arrest. Failure to meet that requirement is grounds for dismissal of the charges. Under preventive detention provisions, persons may be held for 30 days, if public safety is believed to be threatened, if the accused might flee, or if the penalty carries a minimum sentence of 6 months. At the end of that period, a judicial review is mandatory. If warranted, the detention can be prolonged indefinitely for 30-day periods. These provisions were rarely invoked during 1986. Detainees may appeal their incarceration, and the appeal must be heard within 24 hours by a competent judicial authority. There were no known exceptions to the legally mandated warrant procedures and no detentions for political offenses in 1986. The Ministry of Justice schedules official visits to prisons to ascertain that the proper documentation exists for each detainee.

Rwandan law prohibits forced labor. Sentencing to exile does not exist.

e. Denial of Fair Public Trial

The judiciary is statutorily independent and expected to apply the penal code impartially, but the President appoints and dismisses magistrates. New laws in January 1982 strengthened the independence of the judiciary somewhat by improving the process of selecting judicial personnel and more closely defining their functions. The administration of justice has been hampered by poor management and a generally low level of education among civil servants. The Ministry of Justice is conducting training programs for officials and judges and plans to establish a magistrate training center.

All defendants are constitutionally entitled to counsel, but a shortage of lawyers and the lack of a constituted bar makes it difficult for the accused to prepare an adequate defense. Family and other nonprofessional counsel is permitted. Trials which arouse extensive public interest are often broadcast to the street to permit persons who cannot be seated in the courtroom to follow the proceedings.

Rwanda has three separate court systems for criminal/civil, military, and state security cases. All but security cases may ultimately be appealed to the Court of Appeals. The State Security Court has jurisdiction over national security charges such as treason. Some cases tried before this court have resulted in innocent verdicts.

The Minister of Justice stated in September 1986 that Rwanda was holding 10 prisoners convicted of crimes against domestic security. Presumably this figure includes Theoneste Lizinde, the former Chief of State Security, who along with four codefendants was sentenced to death in 1985. The appeals

process in their cases is still in progress, and it is uncertain whether the death sentences will actually be carried out. Amnesty International in its 1986 Report noted its concern that Lizinde and other former government officials were tried in secret, apparently without counsel, and that the trials did not meet accepted international standards.

In October 1986, 295 members of religious sects not recognized by the State were convicted of inciting rebellion against local authority, disobedience of legitimate laws, and unlawful public meeting. The accused were sentenced to prison terms ranging from 4 to 12 years. Although the trial was reportedly conducted in accordance with local rules of due process, the sentences were unnecessarily harsh for crimes basically equivalent to civil disobedience. If they are in fact required to serve more than token prison sentences, members of this group could be considered political prisoners. During 1986, Amnesty International expressed concern about the sentencing of the religious nonconformists.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Rwandans are subject to some interference in their private lives. Police are normally required to have warrants before entering a private residence but, using the pretext of checking required documentation, authorities can gain entry into homes without warrants.

There is no evidence that the Government monitors private correspondence, and the receipt of foreign publications is permitted. Rwandans have the right to own property.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law guarantees freedom of speech and press, but public criticism of the Government, and especially the military, is rare. This is probably due as much to the tradition of respecting authority and social pressure to conform as to fear of government sanction. Candidates in the 1983 legislative elections were restricted to expressing opinions and advocating policies sanctioned by party doctrine. However, some members of the National Development Council have criticized government policies from the floor of the Council.

The Government produces radio broadcasts, a daily press bulletin, and a weekly newspaper. Two Catholic church publications sometimes print muted criticism of political and economic conditions. Such criticism is tolerated and occasionally even encouraged by the Government. There is no record of any journalist having been arrested for what he has written. The Government has cautioned the press, however, to avoid what it regards as "harmful" criticism of leaders and maintains that the press should devote its efforts to "promoting development." Books and imported publications are not censored, and academic freedom of inquiry and research is respected at the university.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is limited. No public meetings or demonstrations are permitted if there is any chance they will result in expressions of overt opposition to government

policies. The Government permits private associations, including a wide variety of religious denominations, but requires that they be registered and accorded legal recognition.

The Rwandan labor code grants workers the right to organize "professional organizations." If such organizations establish a collective bargaining agreement with the employer, they may negotiate salaries and terms of employment. No unions currently exist, but the Government is in the process of forming a labor union, the Central Union of Rwandan Workers (CESTRAR), which is expected to begin functioning in early 1987. Membership is open to all salaried workers. The union will be affiliated with the party, which will approve the slate of candidates for offices. Members will have the theoretical right to strike, but only with the approval of the executive bureau. In organizational meetings, the provisional directors of CESTRAR indicated that its objectives will include ensuring that labor contributes to the development of the nation and transcends the parochial interests of individual workers and trades. The Government has permitted seminars on labor issues organized by unofficial local trade organizations which receive some support from foreign labor confederations and the International Labor Organization.

c. Freedom of Religion

Freedom of religion is guaranteed by the Constitution and is generally respected. The population is 70 percent Christian and 1 percent Muslim, with the remainder following traditional African or no religious practices. Eighty percent of the Christians are Roman Catholic, but there are active Protestant denominations. The Roman Catholic Archbishop of Kigali, who had been a member of the MRND central committee, resigned from the committee in January 1986, apparently to bring his status into accord with Vatican doctrine. The Government depends upon church-sponsored schools for a considerable portion of education in Rwanda (over 85 percent of secondary schools are church sponsored).

The Government does not openly favor one religion over another, but in 1986 prosecuted 295 members of minor religious sects--the Abarokore, Abatampera, Abantu B'imana Bihana, and Jehovah's Witnesses--for inciting disobedience to legal authority. The offenses included refusal to participate in political party activities and to pay party dues, holding unauthorized religious meetings and, in some cases, failure to participate in required community service work. The accused were prosecuted under specific provisions of the penal code, and the Government argues that they are not being persecuted for their religious beliefs. The accused reportedly maintain that allegiance to political entities is against their religion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement and residence within Rwanda is restricted by laws and regulations which require people to hold national identity cards and residence and work permits. People who wish to spend more than 3 days in a township other than their own must obtain permission from the authorities of the area they will be visiting. Police conduct periodic checks, especially in urban areas, and return all those not registered in the locality to their own township. Property owners who do not require tenants to show valid documentation are subject to

fines and even imprisonment. "Clandestine" tenants are subject to expulsion.

Foreign travel is closely controlled through the granting or refusal of passports, preceded by a security check of each applicant by the Central Intelligence Service. Rwandans often are denied permission to travel abroad, usually without formal explanation. Properly documented Rwandans may emigrate.

Official policy permits people who left Rwanda as refugees during the revolution or for other reasons to be repatriated on a case-by-case basis, but the Government discourages any mass return on the grounds that the overpopulated land and underdeveloped economy could not sustain the burden. However, the Government has recognized the citizenship claims of some of the persons forced into the country from Uganda in October 1982. Throughout 1986 it continued resettling 2,500 of those recognized as Rwandans.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Rwandans have no opportunity to change their government through a free choice of alternative candidates from opposing parties. The party, the sole body permitted political activity, makes all policy decisions and nominations of candidates for public office. It in turn is dominated by its president, who chooses the secretary-general and central committee, and is the only constitutionally recognized candidate for president. Every citizen is automatically a party member and required to pay party dues on a sliding scale representing 1 or 2 days' pay per year. Delegates are both elected and appointed to the party's governing national congress, which meets every 2 years (most recently in December 1985). The essential function of the congress is to endorse the programs presented by the party leadership.

Only candidates approved by the party may run for the legislature, the National Development Council. The President can also veto candidates for the Council. Within the one-party system, the voters can and do exercise some influence on the process, as demonstrated by the fact that many incumbents have been defeated in recent elections.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Rwanda has made a concerted effort in recent years to participate in human rights activities and to improve its human rights record. Representatives of the International Committee of the Red Cross (ICRC) have made periodic visits to prisons. There were no reports of requests for outside investigations of alleged human rights violations in 1986. A delegation from Amnesty International visited Rwanda May 3-10, 1986, and received extensive cooperation from the Government. The delegation visited a number of prisons, interviewed prisoners, including political prisoners, and met with the President, the Minister of Justice, and many other officials. Rwanda is a signatory to the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights and the Organization of African Unity's African Charter of Human and Peoples' Rights. Rwanda is also a member of the U.N. Human Rights Commission.

RWANDA

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Rwanda's preindependence, traditional, feudal society, which was dominated by the Tutsi ethnic group (10 percent of the population, according to the 1978 census), was transformed in 1959 by a revolution of the majority Hutu (89 percent of the population) into a society with a greater emphasis on individual rights. An ethnic majority government confirmed these internal changes at independence in 1962. During the next decade, Hutu efforts to redress the social, economic, and educational imbalance led to division and corruption among the Hutus and to sporadic ethnic strife. This gave rise to the coup d'etat which brought President Habyarimana to power.

The Constitution states, "all citizens are equal before the law, without any discrimination, notably that of race, color, origin, ethnicity, clan, sex, opinion, religion or social position." However, the requirement that ethnic origin be listed on identity documents helps to ensure that informal quotas corresponding to the Hutu/Tutsi ratio in society are not exceeded. The Tutsi minority has in fact been relegated to a minor role in government, civil service, and the military but is better represented in private business.

Following the Government's steps to restrict the activities of some religious groups, there have been indications of discrimination based on religious affiliation. For example, one high ranking government official was reportedly threatened with arrest because of his membership in the Jehovah's Witnesses sect, and three Jehovah's Witnesses were fired from the Ministry of Transport and Communication for their religious beliefs.

Women perform most of the agricultural labor and have benefited less than men from social development. Despite the language in the Constitution, women's rights to property are limited, and women are not treated equally in divorce proceedings. Moreover, women have fewer chances for education, employment, and promotion, often because society expects them to remain in uneducated traditional roles at home. Family planning services are still inadequate but are improving. There are virtually no day-care services for children of mothers who wish to work. There are few organizations promoting women's interests, and efforts to establish a national women's organization within the party have been unsuccessful to date. Women play a marginal role in political life. Nevertheless, there are now 3 women in the party's 21-member central committee, and 9 women among the 70 legislative deputies. There are also a number of women on councils at the local level.

CONDITIONS OF LABOR

In the wage sector, children under 18 are not permitted to work without their parents' or guardian's authorization, and they may not work at night except under exceptional circumstances on a temporary basis. The Minister responsible for labor affairs may grant work permission to a child under 14. This Minister also sets the minimum wage and overtime rates. Hours of work and occupational health and safety in the modern wage sector are controlled by law and enforced by labor inspectors.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: RWANDA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	12.8	24.7	7.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	12.8	24.7	7.0
A.AID	8.3	18.8	6.9
LOANS.....	0.0	0.0	0.0
GRANTS.....	8.3	18.8	6.9
(SEC.SUPP.ASSIST.)...	0.0	12.0	0.0
B.FOOD FOR PEACE.....	4.4	5.8	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	4.4	5.8	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	4.4	5.8	0.0
E.RELIEF.EC.DEV & WFP.	0.4	1.6	0.0
VOL.RELIEF AGENCY.....	4.0	4.2	0.0
C.OTHER ECON. ASSIST...	0.1	0.1	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.1	0.1
PEACE CORPS.....	0.1	0.1	0.1
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.1	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.1	0.1
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.1	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	12.8	24.8	7.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	12.8	24.8	7.1
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	40.8	22.3	59.1	515.0
IBRD	0.0	0.0	0.0	0.0
IFC	0.3	0.0	0.0	1.1
IDA	9.0	16.3	59.1	293.8
IDB	0.0	0.0	0.0	0.0
AOB	0.0	0.0	0.0	0.0
AFDB	30.3	4.9	0.0	113.7
UNDP	1.2	1.1	0.0	35.9
OTHER-UN	0.0	0.0	0.0	10.3
EEC	0.0	0.0	0.0	60.2

SAO TOME & PRINCIPE*

Sao Tome and Principe has been a one-party state since gaining independence from Portugal in July 1975. Effective political power is concentrated in the Presidency and the party, the Movement for the Liberation of Sao Tome and Principe (MLSTP). The country is composed of two small islands off the west coast of Africa with a total population of about 105,000. At independence, Manuel Pinto da Costa, the leader of the political party, was chosen President without opposition by the party and the Popular Assembly, constitutionally the supreme organ of state and highest legislative body. The party reconfirmed him for a third 5-year term in September 1985.

No political opposition is permitted outside the party. Small opposition groups in exile in Portugal and Gabon have thus far shown no evidence of being able to influence events on the islands. There is no known organized political opposition in Sao Tome itself. There are approximately 75 Cuban technical advisors, and the small Sao Tomean army is reinforced by approximately 500 troops from Angola.

In the past the Government drew heavily on Marxist-Leninist principles, stressing state control of the means of production. With a deteriorating economic situation, state control was reduced and the private sector was strengthened. The steady decline in cocoa exports, which account for 90 percent of Sao Tome's exports, reflected both lower world prices and serious management problems on the nationalized plantations. Inadequate rainfall since 1983 has further reduced the production of all crops, resulting in serious food shortages and the need for food assistance from the United States and other Western countries. In September 1986, the first trilateral development assistance agreement between Sao Tome and Principe, Portugal, and the United States was signed. The Soviet Union signed an aid agreement, for the purchase of Soviet consumer goods, in January 1986.

There was no known change in the overall human rights situation in 1986. Freedoms of speech, press, and assembly are circumscribed, but some public criticism of government policies is permitted. All news media are under government control. On May 23, 1986 Sao Tome and Principe ratified the Organization of African Unity Charter on Human and Peoples' Rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killings.

b. Disappearance

There were no reports of politically motivated disappearance.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

No reports of such abuses were received in 1986.

*There is no American Embassy in Sao Tome. Information on the human rights situation is therefore limited.

SAO TOME & PRINCIPE

d. Arbitrary Arrest, Detention, or Exile

Although some Sao Tomeans were arrested in 1984 and detained without trial for public criticism of the Government, there have been no reports of similar abuses in 1986. There are several opposition politicians living in exile, e.g., former Prime Minister Miguel Trovoada, and former Minister of Health Carlos da Graca, but the Government has indicated that they are free to return.

There have been no reports of the use of forced labor.

e. Denial of Fair Public Trial

The Constitution does not address the right to a public trial, but there have been instances of public trials of persons accused of common crimes in recent years. Criminal trials are occasionally reported by the local media. In most cases, however, common criminals are given a hearing and are sentenced by a judge. To date the only political prisoners given trials were those accused of coup-plotting in 1977. In those trials and in criminal trials since that time, the accused were assigned counsel by the Government. There is no tradition of independent defense counsel.

As of the end of 1986, the Government claimed that it held no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Because of Sao Tome's geographic isolation and its small population, the Government does not have a highly intrusive security system to detect opposition opinion. However, the Government's loosely organized system of informers and its monitoring of political activities ensure that potential dissidents are identified.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The security services are alert and react quickly to public expressions of opposition or dissatisfaction with the Government. All Sao Tomean media are government organs. They consist of one television station which broadcasts 2 days per week; a radio station which carries music, government news releases, and instructional programs; and a weekly two-to-four page newspaper of government news releases. No public written criticism of the Government seems to be tolerated, but oral criticism at party-sponsored meetings exists. The only foreign wire service items are occasional items from Soviet and Angolan sources. Voice of America Portuguese language programs reach Sao Tome and are listened to without interference. Sao Tome Radio also uses VOA taped music programs.

b. Freedom of Peaceful Assembly and Association

Political assembly and activity are legal only within the country's sole political party, the MLSTP. Cultural and social organizations require government approval, which is believed to be easily obtained.

The sole trade union, affiliated with the party, exists mainly on paper. In 1986 there were several spontaneous strikes and

job actions at cocoa estates. In April, workers from the Santa Margarida cocoa estate marched in the center of Sao Tome ostensibly to protest a reshuffling of ministers. There is no explicit legislation forbidding strikes. There is no information currently available on whether collective bargaining is legally permitted.

c. Freedom of Religion

Religious freedom is guaranteed by the Constitution. The three religious communities--Roman Catholic, Evangelical Protestant, and Seventh-Day Adventist--are allowed to practice freely. The Government provides some funding for a school and a social services center managed by the Catholic Church.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The geographic isolation and poverty of the country severely limit foreign travel and emigration. In addition, the Government closely controls exit visas for the few people who do travel. Almost all trips outside the islands are for governmental missions or medical evacuation. Domestic travel is not controlled by the Government, and people move freely on the islands of Sao Tome and Principe. The lack of reliable and affordable air service severely limits interisland travel.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Government policy is determined by President da Costa, in consultation with his key cabinet and security officials. The leadership uses the MLSTP to consolidate its rule at the local level and to assist in selecting candidates for the Popular Assembly. In the 1985 elections to the Popular Assembly, persons at the local level were allowed, even encouraged, to speak out and to give their opinions on various government policies. In many districts, the voters rejected the official party candidate in favor of another candidate. Party membership has been expanded in recent years and now stands at about 2,900. Internal security is reinforced by Angolan troops.

There are small exile groups in Portugal and Gabon. In May 1986, former Minister of Health Carlos da Graca resigned the chairmanship of the National Resistance Front of Sao Tome and Principe (FRNSTP) based in Libreville, saying that the recent economic liberalization by the Government and its opening to moderate African states made his further leadership of the FRNSTP unnecessary. Da Graca said he would remain in exile until Angolan troops withdrew from the country.

An incident in 1986 that still remains murky was the arrival in a fishing boat at Walvis Bay, Namibia, of 76 young black male Sao Tomeans who claimed to belong to the FRNSTP. FRNSTP officials in Libreville claimed that these men had been expelled from the movement, while the Sao Tome Foreign Minister stated that the 76 were not political opponents at all, but rather "opportunists."

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.

The extent to which the Government is aware of or influenced by international human rights organizations is not known.

SAO TOME & PRINCIPE

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Sao Tome population is relatively homogeneous, and there have been no reports of policy discrimination on a tribal, regional, sex, or religious basis among Sao Tomean citizens. As energetic outsiders, Cape Verdeans in Sao Tome do suffer some informal discrimination.

Women have constitutional guarantees of equality, and several are active in public life. One senior official, the Minister of Education and Culture, is a woman, as is the President of the Popular Assembly. There are at least two women members of the central committee of the party. Cultural factors, rather than legal restraints, limit the actual participation of women in government.

CONDITIONS OF LABOR

Legislation requires that a minimum wage of approximately $55 per month be paid to workers. There are reports that workers at several cocoa estates were not paid for several months or did not receive the minimum wage for an extended period of time. A legal minimum employment age of 18 years is apparently observed in practice. Basic occupational health and safety standards are contained in the Social Security Law of 1979.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SAO TOME AND PRINCIPE

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	1.0	0.1	0.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.0	0.1	0.7
A.AID	0.0	0.0	0.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.7
(SEC.SUPP.ASSIST.)...	0.0	0.0	..
B.FOOD FOR PEACE.....	1.0	0.1	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.0	0.1	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	1.0	0.1	0.0
E.RELIEF.EC.DEV & WFP.	0.5	0.1	0.0
VOL.RELIEF AGENCY.....	0.5	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	1.0	0.1	0.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.0	0.1	0.7
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	0.3	8.1	0.0	19.3
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	0.0	5.0	0.0	5.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.2	3.1	0.0	12.0
UNDP	0.1	0.0	0.0	1.9
OTHER-UN	0.0	0.0	0.0	0.4
EEC	0.0	0.0	0.0	0.0

SENEGAL

Senegal is a republic with a democratically elected president and a unicameral legislature. After acceding automatically to the presidency in January 1981, when former President Senghor retired, Abdou Diouf was elected in his own right in freely contested elections in 1983. A new parliament was elected at the same time with President Diouf's Socialist Party winning 111 of the 120 seats. Senegal has longstanding democratic traditions which predate independence, and there is wide public interest in, and debate on, political matters. While the Socialist Party has dominated the public scene since independence from France in 1960, Senegal is a true multiparty state with 16 legal political parties.

The Senegalese military has a well-earned reputation as an apolitical and professional organization and is respected by the population. The generally well-trained and disciplined civilian security forces respect the laws they enforce.

Although the Government and the majority party describe the national economy as Socialist, the Government has taken steps to reduce its involvement in many sectors of the economy, including selling off some state-owned enterprises and encouraging private initiative in agriculture and industry. However, with wages frozen and prices rising for agricultural products and consumer goods, there was increased concern in 1986 about the political impact of the economic reform program.

Long- and short-term trends in the human rights context remain positive. The legal system is active and effective in protecting human rights. The political process works well despite some concerns about the fairness of the electoral laws. The Government continued to provide strong support to several Dakar-based organizations which study human rights questions in Africa and the Third World. The only credible allegations of human rights violations in 1986 concerned prisoners who said they were tortured while in detention after separatist rioting in late 1983.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing.

There was no evidence of any killings at government instigation or for political motives.

b. Disappearance

There were no reports of abduction of individuals by official, quasi-official, opposition, or vigilante groups.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Government officials in Senegal generally adhere to the section of the criminal code prohibiting physical abuse. There have been instances reported, however, of the use of force by lower level police officials in the interrogation of suspected criminals. During their trial in late 1985 and early 1986, most of the persons accused of participating in the separatist riots in Casamance in 1983 claimed they had

been tortured by police and gendarmes after being arrested. While an internal investigation reportedly began in 1986, and as many as 12 gendarmes faced possible charges, there had been no announcements and no prosecutions by the end of 1986.

Prison conditions are crowded, and food is little above the subsistence level. Harsh prison conditions are partly alleviated by the access to prisoners by clerics, friends, and families, who are permitted and expected to provide food and amenities.

d. Arbitary Arrest, Detention, or Exile

The constitutional prohibition against arbitrary arrest or detention is respected in practice. Persons are not generally detained, punished, or tried for the expression of views critical of or different from the Government. However, in 1986 one journalist complained, in print, that he had been arrested, questioned, and held for several days for carrying copies of an "unauthorized newspaper," a charge he denied. Preventive detention is permitted indefinitely when civil authorities determine that there is a threat of civil disturbance or that an individual is a threat to himself or others, such as in the case of the Casamance separatist supporters (see Section 1.e.).

The Senegalese legal system is patterned after the French system. A person suspected of a crime may be legally held without charge for 48 hours after arrest and may be held up to 72 hours if ordered by a public prosecutor. This law is generally respected by law enforcement officials, and charges are formally and clearly drawn. By law, every person has access to legal counsel during every step of the legal process. In practice, persons with means will have private legal counsel, while the law makes provision for public defenders for indigents.

There is no forced or compulsory labor in Senegal.

e. Denial of Fair Public Trial

Senegal has an active, independent, and well-trained judiciary, which is constitutionally independent of the executive, the legislature, and the military. Court officials are trained lawyers who have completed a number of years of required apprenticeship. Trials are open to the public, and defendants have the right to a defense attorney, many of whom are very skilled and aggressive in the protection of their clients. Ordinary courts hold hearings which are presided over by a panel of judges and, in the case of criminal charges, include a panel of citizens sitting with the judges as a form of jury.

There are three categories of special courts: The High Court of Justice, The Security ("political") Court, and the military courts. The High Court of Justice was created for the sole purpose of trying high government officials for treason or malfeasance. It has not been convened since the early 1970's.

The Security (or "political") Court consists of a judge and two assessors and has jurisdiction over cases involving politically motivated crimes. This court was called into session in November 1985 for the trial of 105 persons accused of participating in a December 1983 separatist insurrection in

the southernmost region of Casamance, in which 3 gendarmes died and 80 persons were injured. The trial ended January 4, 1986, with relatively lenient sentences, considering the violence of the incidents and the penalties requested by the prosecution--73 defendents were freed outright, 31 received sentences ranging from 2 to 15 years, and 1 received life imprisonment. The trial was held in open court and marked by procedural controversy, which delayed the testimony. The defendants claimed that they had been held in prison for excessive periods after arrest before being officially charged, and that they had been beaten and tortured at the hands of police or gendarmes. The military court system has jurisdiction over offenses committed by members of the armed forces during peacetime (in wartime, courts-martial may be convened). Civilians may not be tried by military courts.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Senegalese bureaucracy, patterned after the French system, is highly centralized and requires of Senegalese citizens a fairly extensive array of documentation for purposes of education, obtaining social security benefits, etc. The intent, however, is not coercive, and there is otherwise little Government interference in the private lives of Senegalese citizens. There is no coercion to join a particular political party or to participate in political demonstrations. A wide variety of political expression is possible and is not subject to restrictions other than those relating to public order. There is no evident pattern of monitoring the private written or oral communications of Senegalese citizens. There are constitutional and legal safeguards against arbitrary invasion of the home. Search warrants are required and may be issued only by judges and in accordance with procedures established by law. There is no evidence that public security forces have violated the law in this regard.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Senegal enjoys freedom of speech and press both in theory and in practice. The Constitution guarantees the right of each person to express and disseminate opinions freely. Full academic freedom is enjoyed by the schools and the country's sole university.

There is neither censorship nor banned publications in Senegal. Publishers are required to register with the Central Court prior to starting publication, but such registrations are routinely approved. There are several regularly published magazines and newspapers and a number of publications which appear sporadically, reflecting a broad range of opinion from conservative to Marxist. The country's most professional and informative newspaper is controlled by, and supports, the majority Socialist Party. However, articles critical of government policies and officials regularly appear even in this paper. Other publications, representing other viewpoints, are sometimes vociferously critical of the Government. Foreign publications are not banned or censored.

The editor of an opposition newspaper, arrested in August 1985 on charges of defamation of the Head of State and the

Government (slander), was released after serving a sentence of 230 days. Opposition leaders described his arrest as an attempt to muzzle the media. Since his release, he has resumed publication of his paper, which continues to voice criticism of the Government's policies, albeit with more restraint and discretion.

Television and radio stations are owned by the Government; activities of the Socialist Party are given prominence, but there is occasional coverage of the declarations and activities of the opposition parties.

b. Freedom of Peaceful Assembly and Association

Senegalese freely and frequently exercise their constitutional right of assembly. Prior authorization for public demonstrations is required, and demonstrations or protest meetings against government policies are closely monitored by security services. In April 1986, students at the University of Dakar planned a march from the campus to the U.S. Embassy to protest the American raids on Libya. They were denied permission for the march, and the authorities stationed gendarmes and troops at choke points near the campus and on the route to the Embassy. When the students saw the show of force, they confined their march to the university grounds. No one was arrested or detained.

Workers have the right to organize and bargain collectively and to strike if negotiations are unsuccessful. Less than 25 percent of the labor force is unionized. In most union activities, economic and work-related issues are the principal concerns. The major trade union confederation, the National Confederation of Senegalese workers (CNTS), is affiliated with the ruling Socialist Party. There are also small independent trade unions which are important to the society and economy of Senegal. The CNTS is entitled by law to ministerial posts but rather than fill them itself has chosen to retain the right to veto the President's nominations. In the past, the Government has used its connection with the CNTS as a useful means of informing workers of government policies, gaining better understanding of worker complaints and problems, and ensuring that strikes are legal and called only over significant grievances. In September workers at the printing plant which produces Dakar's daily newspaper stopped work to protest a management decision to cease providing transport for employees who worked night shifts. A compromise was reached after a week, and the printers resumed work. The International Labor Organization maintains a regional office in Senegal.

c. Freedom of Religion

Senegal is constitutionally a secular state, and freedom of religion is a legal right which exists in fact. Islam is the religion of over 85 percent of the population. Other religions, primarily Catholicism, are freely practiced. Missionary activity is permitted, and foreign Protestant missionaries are active in several regions of the country. Conversion is permitted, and there is no discrimination against minority religions. Adherence to a particular religion confers neither advantage nor disadvantage in civil, political, economic, military, or other sectors.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Senegalese Constitution states that all citizens have the right to move and establish themselves freely anywhere in Senegal, a right that is respected in practice. Since 1981, exit visas are not required for travel outside the country. There is no restriction on emigration, and repatriates are not officially disadvantaged on return to Senegal.

Senegal is host to 5,140 recognized and assisted refugees. Prior to the April 3, 1984 coup in Guinea, there were an estimated 500,000 Guineans in Senegal most of whom were not officially recognized as refugees. Most of them have since returned to Guinea. There is a regional office of the United Nations High Commissioner for Refugees in Dakar. Senegal continues to make places available for refugee students from other countries at the University of Dakar and other educational institutions. An opposition newspaper reported in late September that three "political refugees," opponents of the Government of Guinea-Bissau, had been arrested in the Dakar area and extradited to that country in August. The Senegalese Government has indicated that the three were involved in planning active intervention against the Bissauan Government, which would violate any agreement for refuge under which they entered Senegal.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Senegal is a functioning multiparty democracy with universal suffrage. There are currently 16 legally registered parties ranging in ideology from conservative to Trotskyite. Presidential and parliamentary elections were last held in February 1983, with rural and municipal elections in November 1984. The next general elections are scheduled for February 1988. While there is a long tradition of democracy in Senegal, political life throughout the postindependence period has been dominated by the Socialist Party, which won the presidency and 111 of the 120 parliamentary seats in the 1983 elections, and which swept the municipal and rural elections the following year. Opposition parties complained that changes in the electoral law favored the government party by removing the requirements for voter identification, a secret ballot, and opposition representation when ballots were counted. While the consensus was that the 1983 voting was on the whole free and fair, the largest opposition party, with eight seats in the Parliament, decided to boycott the 1984 elections. In 1986 several of the opposition parties announced their intention to boycott the 1988 general elections unless the electoral law is modified. The Government is reportedly studying the issue.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Senegal is a leader among African countries in the establishment and promotion of international standards for human rights practices. Senegal was the original sponsor of the Human Rights Charter of the Organization of African Unity and is also an active member of the U.N. Human Rights Commission. Dakar is the headquarters of the African Bar Association's Institute of Human Rights, an organization which

trains lawyers and judges in translating general human rights principles into practical legal and judicial procedures. A number of Senegalese are prominent in African and international human rights activities. Senegal maintains a dialogue with organizations such as Amnesty International, whose 1985 Report apparently influenced the Government to move forward with the trials of the Casamance detainees.

Section 5 Discrimination Based on Sex, Race, Religion, Language, or Social Status

There is no discrimination in Senegal based on race, religion, or language. While there is no discrimination in law based on sex, since the country is predominantly Muslim (over 80 percent of the population), Islamic customs including polygamy and the rules of inheritance generally prevail, especially in the rural areas. Women are active participants in the political process, and several parties, including the dominant Socialist Party, have sections promoting women's rights. Twelve women are deputies in the National Assembly, and there are three women in President Diouf's Cabinet. In addition, a number of government ministries employ women in key positions, e.g., the political director of the Ministry of Foreign Affairs. In other ministries key agronomists, statisticians, and economists are women. In the urban areas, the lay character of the State and the nondiscriminatory nature of the country's legal system is more likely to prevail.

A subtle form of discrimination based on social status does exist, although it has been officially outlawed for several years. It concerns those families "of caste," who were traditionally occupied with menial or dirty jobs in the community--tanners, blacksmiths (and by extension, gold and silversmiths), wood carvers, some fishermen, etc. Although it is against the law to even mention the caste of a Senegalese, in fact virtually all citizens of the country know where each person fits in the social hierarchy. There have been articles in the press describing frictions which result from this social stratification. For example, a family may refuse to permit the marriage of a daughter to a young man of caste because it would lower her status. The Government would like to see this discrimination disappear and has legislated against it, but old traditions persist.

CONDITIONS OF LABOR

While there are industry-wide statutes concerning the minimum age for employment of children, the economic situation in Senegal has created an environment wherein a substantial number of underage workers are employed, particularly in cottage industries. Through collective bargaining, principally by the National Confederation of Senegalese Workers, there are legal guidelines for occupational safety and health, minimum wages, and limits on working hours. In practice, however, these guidelines are often ignored and working conditions in Senegal, as in most third world countries at a similar stage in their economic development, are below Western standards.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SENEGAL

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	51.2	53.2	52.3
LOANS.....	0.0	0.0	0.0
GRANTS.....	51.2	53.2	52.3
A.AID	34.6	44.4	50.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	34.6	44.4	50.2
(SEC.SUPP.ASSIST.)...	10.0	15.0	27.5
B.FOOD FOR PEACE.....	14.7	6.8	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	14.7	6.8	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	14.7	6.8	0.0
E.RELIEF.EC.DEV & WFP.	9.3	2.0	0.0
VOL.RELIEF AGENCY.....	5.4	4.8	0.0
C.OTHER ECON. ASSIST...	1.9	2.0	2.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.9	2.0	2.1
PEACE CORPS.....	1.9	2.0	2.1
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	2.5	3.5	3.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.5	3.5	3.4
A.MAP GRANTS.....	2.0	3.0	2.9
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.5	0.5	0.5
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	53.7	56.7	55.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	53.7	56.7	55.7
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	79.6	39.5	75.0	981.0
IBRD	0.0	0.0	0.0	158.9
IFC	3.2	0.0	2.6	38.5
IDA	52.1	24.0	72.4	445.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	13.0	13.5	0.0	73.0
UNDP	1.3	2.0	0.0	45.6
OTHER-UN	0.0	0.0	0.0	7.4
EEC	0.0	0.0	0.0	212.6

SEYCHELLES

The Government of Seychelles, led by President France Albert Rene, took power in June 1977 in a military coup d'etat and forced into exile a number of former leaders, including ex-prime minister James Mancham. In 1979 a new Constitution was promulgated which formally abolished all political opposition to the socialist ruling party, the Seychelles People's Progressive Front (SPPF). This Constitution provides for a strong presidential executive, who appoints ministers, and a People's Assembly of 23 members and several appointed members.

In the past, there have been external threats. Tanzanian troops, now no longer on the islands, helped put down a mutiny in the armed forces in 1982. The defense force repulsed a November 1981 attack by mercenaries financed by Seychellois in exile. The Seychelles has a defense force of about 1,000 persons, as well as a uniformed police force of 500 and a People's Militia of about 2,000.

The Seychelles economy relies predominantly on tourism for foreign exchange. The tourism industry, which fell dramatically in the early 1980's, has since revived, and some 70,000 foreigners visited the Seychelles during 1986. Seychelles has actively sought to diversify the economy by granting fishing licenses to French, Spanish, Korean, and Japanese trawlers and by expanding the fishing port in Victoria through donor assistance.

The human rights situation in Seychelles changed little during 1986. The Constitution does not guarantee fundamental human rights but rather includes them in a preamble as the goal of the people of Seychelles. The President has reaffirmed his determination to put down opposition elements, and the Government continued to use exile as a means of suppressing dissent. On the positive side, the President reaffirmed his commitment to freedom of religion and promised that the Government would neither interfere in church affairs nor restrict the right of religious groups to speak out, including through their influential media outlets.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no known instances of killing for political motives. Members of the opposition allege, however, that Gerard Hoareau, leader of the London-based Seychelles National Movement, who was killed in November 1985, was assassinated by government agents.

b. Disappearance

There were no reports of disappearance.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution explicitly forbids torture. While instances of torture are infrequent, one prisoner, detained for political reasons, reportedly was burned with cigarettes and had his beard set on fire.

SEYCHELLES

Generally, prisoners are well fed and supervised by professional prison wardens. Prisoners are normally incarcerated on isolated islands, although family visits are routinely arranged.

d. Arbitrary Arrest, Detention, or Exile

At the end of 1986, there were no known cases of persons still under detention under provisions of the Preservation of Public Security Act. Under this Act, the President exercises quasi-judicial powers. For example, detention orders are served on authority of the President who can suspend habeas corpus where public security is involved. This Act, enacted in December 1981 following an attack by mercenaries, has been used on several occasions in recent years and has tarnished the Government's reputation. Six persons were arrested in June 1986 under this Act, including Phillippe Boulle, the leading human rights activist in the country, but the six were subsequently released. In addition, police have held persons for 24 hours for "questioning" regarding alleged antigovernment activities. In particular, persons who seek to mobilize public opinion against the Government run a serious risk of being held for "questioning," and if government employees can be fired without recourse to appeal. Others face social and economic harassment and receive direct or anonymous threats which they believe originate from government officials as signals to leave the country. Frequently, opponents of the Government are urged to emigrate, an option that many have chosen over the years.

There is a prohibition against the use of forced or compulsory labor, and such practices have not been employed in Seychelles. There is, however, National Youth Service for all persons 14 to 16, which has elements of military training and discipline, as well as academic study.

e. Denial of Fair Public Trial

Defendants in nonpolitical (both civil and criminal) cases have access to counsel and have enjoyed speedy and fair trials. Trial procedures are patterned in large measure on English common law, although there is also a heavy influence of Napoleonic customary law. Judges are provided under arrangements with the British Commonwealth and, except for security cases, have exhibited considerable independence from the executive and legislative branches of the Government. The Chief Justice, who is appointed by the President, has stressed on several occasions that it is the judiciary's responsibility to impose sentences as required by law and that it should reflect the will of the legislature. Seychelles' law requires that a member of the armed forces be tried by court-martial unless the President decrees otherwise.

Amnesty International adopted Royce Dias, a known opponent of the Government, as a prisoner of conscience. Dias' 7-year sentence for possession of drugs was recently reduced by the appeals court to 5 years. The pardoning of a relative of a senior government official for a similar criminal offense rekindled suspicion that the criminal charges against Dias were fabricated for political reasons.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The authorities have broad powers of search and seizure without a warrant. The Seychelles Marketing Board Act, passed in 1984,

allows police to enter any premises, private or public, and to seize any documents which they believe may be in violation of the Act. Legislation exists which allows the Government to open mail, domestic as well as international, and it is widely believed that the Government does so. Since June 1983, the Government has embarked on a campaign to nationalize private land, ostensibly to claim unused agricultural land. Although the Government has stated that compensation will be paid, relatively few persons have yet received compensation. Negotiations with previous owners are continuing.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although theoretically protected under the 1979 Constitution, freedom of speech is exercised sparingly. The Government controls the major newspaper in the country, as well as all radio and television broadcasting. Legislation provides for up to 3 years' imprisonment for anyone "who with intent to bring the President into hatred, ridicule or contempt, publishes any defamatory or insulting matter whether in writing, print or word of mouth, or in any other manner." This same legislation authorizes a 2-year sentence for anyone who "prints, supplies, distributes, reproduces, or has in his possession or control" any publication banned by the Government for security reasons. In November 1986, two Seychellois were sentenced for possessing and reproducing seditious literature. One received a 9 month sentence while the other received a 6 month suspended sentence (due to her youth). The Government has sought to prevent the importation of pamphlets printed abroad by its opposition.

The President has promised not to interfere with the church's right to speak out freely. The Catholic Church publishes a lively paper, Echo des Isles, which is not subject to government control or censorship. This paper continues to publish some articles which obliquely criticize the Government. The two largest religious denominations in the country, the Roman Catholic and Anglican churches, are each provided 2 free uncensored hours of broadcasting a month. Both churches have taken advantage of the monthly broadcast to comment on social and political issues. Seychelles has for the past 17 years granted a license for a Protestant radio station (FEBA) to broadcast religious programs throughout Asia and Africa. FEBA is planning to expand its facilities in Seychelles. The British Broadcasting Corporation has commenced building a relay facility on the main island of Mahe. Foreign broadcasts are widely listened to and are uncensored. Foreign publications have been imported and sold without hindrance.

b. Freedom of Peaceful Assembly and Association

The Government has been quick to move against unauthorized demonstrations and has made arrests under a British colonial law which prohibits unlawful assembly without a government permit. All associations, clubs, and other organizations require government permission to organize, which is usually granted for nonpolitical groups.

There is one legal union, The National Workers' Union, which is under direct control of the ruling party. It does not function as a free trade union, although it plays an advisory role for workers and seeks better working conditions for its members. Changes at the 1985 Party conference further restricted the

election of labor union officials who, in the future, will be appointed by the Government. A new labor law was published in 1986 which sets out guidelines for employee/employer relations. There has been no official strike in Seychelles since 1977.

c. Freedom of Religion

There has been no official religious persecution in Seychelles, and church services are widely attended. The Roman Catholic and Anglican churches have flourished, and Muslims and Hindus are unrestricted in their religious practices. There is a clear separation between church and state. Religious instruction in schools has been limited. In response to the church's complaint that it has been difficult, if not impossible, for children (ages 14 to 17) in the National Youth Service (NYS) to attend church on a weekly basis, the Government now allows services to be held at the NYS camps. As recently as 1984, the President publicly reiterated his support for religion and said there would be no government interference in the right of people to worship as they choose.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on internal travel. Passports may be acquired by virtually any citizen, although Seychellois traveling abroad for study at government expense are required to sign a bond which enables the Government to recoup the cost of their education should they fail to return. Such persons who are "bonded" must have government permission to travel abroad following their return. There are no known cases in which passports are currently being withheld. There are no restrictions on voluntary repatriation for those who are willing to accept the present one-party political system.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Since 1979 there has been only one legal political party, the SPPF. All political (and much social) activity is channeled through this institution. President Rene, both as President of the country as well as the Secretary General of the party, wields much power and influence. Opponents of the party can neither organize nor express public opposition. The party has 23 regional offices called "branches" which are responsible for organizing and supervising discussion about current government policies. These branches are encouraged to report public opinion in their regions. Such discussions do not normally affect policy, which appears to be directed from above.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Requests for information are sent to the Chief Justice of the Supreme Court, who acts as an interlocutor between human rights groups, such as Amnesty International, and the Seychelles Government. Reportedly all such inquiries have been answered, and in some cases these inquiries have led to the release of detainees.

SEYCHELLES

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There is no discrimination in housing, employment, education, or other social services based on sex or on racial, ethnic, national, or religious identification. Women enjoy high status in this essentially matriarchal society. Women have the same legal, political, economic, and social rights as men. One woman was recently elevated to the rank of minister. Two women are serving as central committee members of the party. Many senior officials, up to and including the rank of secretary of state, are women.

CONDITIONS OF LABOR

The people of Seychelles enjoy a relatively high standard of living for a developing country. Labor laws were consolidated in the Employment Act of 1985, which provides for a minimum working age of 14 and a minimum wage of $165 per month. According to officials of the National Workers Union, occupational safety and health conditions are monitored by the Union's inspection program.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SEYCHELLES

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	2.5	2.7	2.3
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.5	2.7	2.3
A.AID	2.0	2.2	2.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.0	2.2	2.0
(SEC.SUPP.ASSIST.)...	2.0	2.0	1.9
B.FOOD FOR PEACE.....	0.3	0.3	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.3	0.3	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.3	0.3	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.3	0.3	0.0
C.OTHER ECON. ASSIST...	0.2	0.2	0.3
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.2	0.2	0.3
PEACE CORPS.....	0.2	0.2	0.3
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	2.5	2.7	2.3
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.5	2.7	2.3
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	8.3	12.4	9.5	53.4
IBRD	0.0	6.2	0.0	6.2
IFC	0.0	0.0	9.5	9.5
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	8.0	6.0	0.0	34.2
UNDP	0.2	0.2	0.0	3.0
OTHER-UN	0.1	0.0	0.0	0.5
EEC	0.0	0.0	0.0	0.0

SIERRA LEONE

Sierra Leone has a one-party system of government with the President exercising predominant executive authority. The 1978 Constitution, approved in a national referendum, established the All People's Congress (APC) as the sole legal party and extended the term of then-President Siaka Probyn Stevens until 1985. (Stevens first assumed executive power in 1976 following two military coups.) Stevens handpicked Major General Joseph Saidu Momoh, then Sierra Leone Military Force Commander, as his successor, and Momoh was confirmed as President in a national referendum on October 1, 1985. Parliamentary elections were held in May 1986. All candidates in the 105 constituencies were officially sanctioned by the party, but as many as 5 were permitted to run in each district.

The government security structure, which includes the police, the military forces, and a Special Security Division (SSD), does not generally interfere with the rights of individuals. Certain army units were accused of trying to force merchants to sell rice at fixed government prices in 1985, but there was no repetition of such charges in 1986.

Sierra Leone is considered by the United Nations to be among the world's least developed countries. About 70 percent of its 3.9 million population is engaged in agriculture, mainly at the subsistence level. The Constitution recognizes the right to own private property. Most of the modern sector of the economy is privately owned, but there is government ownership in certain key sectors, particularly mining and transportation. Austerity measures aimed at reforming Sierra Leone's economy and meeting conditions for continued access to International Monetary Fund loans were initiated in July 1986. As a result, the majority of the population has experienced some hardship, but there has been relatively little overt public discontent.

There were no reports of major human rights abuses in Sierra Leone during 1986. Significantly less campaign violence occurred in the 1986 elections than in the previous national elections. Irregularities were reported in 17 constituencies, but these were redressed by repolling within a few weeks of the original election date.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killings.

b. Disappearance

There were no reports of abduction of individuals by the Government or hostage taking by nongovernmental groups.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were no specific reports of torture. Harsh physical treatment of prisoners by police, however, is probably common. Attorneys occasionally have reported being shown bruises and other marks of violence on detainees' bodies that

they believe could have been caused by police beatings. According to Amnesty International's 1986 Report, a student detained in March 1985 was beaten unconscious by SSD officers. He had been detained with at least 41 others in connection with a strike by the Sierra Leone Motor Driver's Union called to protest the detention and ill-treatment of some of its members.

Prisons are dangerously overcrowded, and the local press has deplored prison conditions. Prison deaths due to malnutrition, pneumonia, diarrhea, and gastroenteritis are said to be common.

d. Arbitrary Arrest, Detention, or Exile

Under Sierra Leonean law, detained persons have the right to a judicial determination of the legality of their detention. It is widely charged, however, particularly in Sierra Leonean legal circles, that police, as a form of harassment, sometimes detain persons for short periods without charge. Under normal circumstances detainees not charged with an offense within 28 days of arrest must by law be released, unless a state of emergency is in effect. During a state of emergency, however, the Public Emergency Act comes into effect, and persons detained under its provisions are not guaranteed a hearing unless charged with a capital offense. At the end of 1986, no one was being detained under public emergency regulations. Under the Constitution, the President has the right to order the detention of any person who is, or is reasonably suspected to be, dangerous to the well-being of the Republic.

Neither exile nor forced labor is practiced.

e. Denial of Fair Public Trial

The judiciary has generally maintained its independence, although some critics charge that the legal system is subject to political manipulation, often before cases reach the courts. Sierra Leone's courts have a reputation for providing fair public trials. Defendants are allowed counsel of their choice, and convictions may be appealed. Many defendants, however, cannot afford counsel, and public defenders are provided only in capital offense cases.

The legal system is heavily overburdened and lacking in resources. This results in an average delay of 2 years before cases actually come to trial. The only official records of proceedings are handwritten notes taken by the judges. This practice limits lawyers' access to written documentation and puts in question the impartiality of the official record.

At the end of the year, no political prisoners were reported as being held. However, some of the persons convicted for involvement in the outbreak of violence in the Pujehun District in 1983 are still in prison, and allegations exist that political motivations were partially behind their initial detention.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

These rights of the individual are generally not abused by the State, and legal safeguards against arbitrary invasion of the home are usually observed. Neither censorship of mail nor electronic eavesdropping by the State on private conversations

have been reported. Some organizations have claimed that informers report to the Government on their activities.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although freedom of speech is legally guaranteed, this freedom can be abridged under the Constitution if the proper functioning of the Government is deemed to be in jeopardy. In practice, the Government generally tolerates public criticism by individual citizens, and academic freedom is fully respected. Political propaganda occasionally circulates within the country from opposition groups based in Western Europe or the United States.

There is, in practice, considerable freedom of the press and no prior government censorship of the press. The 10 privately owned newspapers report on sensitive political and economic topics, and investigative reporting on misuse of government funds, bribery, and bureaucratic indiscipline has been published. The Government, in the person of the President or Minister of Information, regularly issues press releases stating that there is no press censorship but usually adds that critics should be fair and place events in the context of the development process. The Government thus expects journalists to exercise some self-censorship. Most editors avoid publishing articles portraying the country in a critical light or attacking the President personally. This approach is codified in the Newspaper Act of 1983, which specifies qualification standards for editors and sets a fee for registration of newspapers. In 1985 two journalists were imprisoned for contempt, and the editor of an independent newspaper, For Di People, was imprisoned for over 70 days without charge or trial after publishing an article on the excesses of the Special Security Division. There were no arrests or detention of members of the press in 1986.

b. Freedom of Peaceful Assembly and Association

The Constitution guarantees the right of freedom of assembly and permits the formation of and membership in trade unions or other economic, social, or professional associations. These rights are, however, limited, most significantly where assembly or association would conflict with the "proper functioning of the party" or with public order. This was the rationale employed when a group of persons was detained after taking part in peaceful demonstrations in April. The detainees were acquitted shortly after their arrest because the Government failed to prove that the group's actions constituted a serious threat to public order. In practice, freedom of association in the nonpolitical sphere is respected.

Trade unions normally are permitted to operate freely and exercise the rights to organize, negotiate, strike against employers, join in confederations, and affiliate with international organizations. When trade unions publicly challenged government policy in 1981, the Government arrested approximately 180 union members. The Sierra Leone Labor Congress elected an executive committee in 1982, but this group's political independence may have been compromised in April 1986 when its head was appointed a member of Parliament. Most sectors of the Sierra Leone economy, except agriculture, are unionized. The Labor Congress is a member of

the International Confederation of Free Trade Unions. Private associations of citizens can and do make representations to the Government on policy issues and are not subject to reprisals.

c. Freedom of Religion

There is a tradition of religious tolerance in Sierra Leone. There is no state or otherwise favored religion. Muslims (the most numerous religious group), Christians, animists, and adherents of other faiths practice their religions freely and publish religious documents without government interference.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.

The only official control on travel within the country is in diamond mining areas where restrictions are intended to control smuggling. There are few regulations restricting foreign travel. Sierra Leone, a party to the UN Convention and Protocol Relating to the Status of Refugees, is host to approximately 290 refugees, most of whom are students from Namibia. There have been no reported incidents of forced repatriation.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Former President Stevens was the dominant authority in Sierra Leone until 1985, when he retired and arranged for his succession by Major General Momoh. The Parliament, at Stevens' behest, amended the Constitution to allow Momoh to become President without resigning his military commission, and in August of that year the single party, the All Peoples' Congress, under the control of Stevens, nominated Momoh as President. Since independence in 1961, the clear trend in political development has been to increase executive power and decrease constitutional checks on that power. The Constitution provides that the leader of the party will be the sole candidate for the office of President. A Cabinet, selected by the President from elected as well as appointed members of Parliament, meets with the President regularly and is a key advisory body.

The unicameral Parliament is subservient to the executive branch of the Government. However, some observers suggest that President Momoh has encouraged a so-called "backbenchers" association in Parliament to become an internal voice of opposition. Candidates for Parliament are chosen in each constituency by the party's local executive committee. The executive committee chooses up to five candidates from the list of citizens who seek nomination. The central committee of the party, among whose members are both President Momoh and ex-President Stevens, can disapprove the nomination of any locally selected nominee whose candidacy it believes would be inimical to the State. The 1986 parliamentary elections generally followed these guidelines, and all but 6 of the 105 constituencies had contested elections. All winning candidates, by the nature of the system, were APC members. The two vice presidents were among the six members of Parliament elected without opposition, but several prominent candidates, including former cabinet ministers, were among those defeated.

SIERRA LEONE

In addition to the national political system, a traditional system of local government operates in the provinces. Paramount chiefs are elected for life by the members of local chiefdom councils. The paramount chiefs retain considerable authority in local affairs and in resolving minor disputes among their traditional subjects.

There is universal suffrage, and no groups are precluded from voting because of gender, tribe, race or religion.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.

In 1985 members of the Sierra Leone Bar Association organized the Society for the Preservation of Human Rights, and in June 1986 its constitution was ratified. The Government has not interfered with the organization, which is supported by members of Parliament, judges, medical doctors, academics, civil servants, trade unionists and the media. The Society won its first major court case in early 1986. Local chapters of Amnesty International also exist.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There is no officially sanctioned discrimination on the basis of race, sex, religion, language, or social status. Members of Sierra Leone's various ethnic and religious groups interact peacefully and are represented in all levels of the Government. Women are guaranteed equal rights by the Constitution, but their status varies substantially in different parts of the country and depends upon the cultural values of various tribal groups. Women have, in some regions of Sierra Leone, been elected to the prestigious position of paramount chief. The Government continues to be male dominated, but women are prominent in some professions, and one woman is a Supreme Court Justice. In the 1986 parliamentary elections, only 5 of the 112 members elected were women.

CONDITIONS OF LABOR

The normal work week is 38 1/2 hours (7 hours on each of the 5 weekdays and 3 1/2 hours on Saturdays). An established code sets out acceptable standards for the workplace, covering maintenance of machinery, safety procedures, and sanitary conditions. In actual practice, however, manufacturing concerns in Sierra Leone, of which there are very few, probably do not conform to the code, and there is no practicable means of enforcing it. There is no minimum age for the employment of children. Sierra Leone has no legislated minimum wage, and outside the public sector there are no comprehensive wage or salary guidelines. Because of the recent float of the leone, the government currently is reviewing existing public sector wage and salary scales. In conjunction with this review, the Sierra Leone Labor Congress has a petition before the Parliament to create a national minimum wage scale.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SIERRA LEONE

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	8.5	9.1	3.4
LOANS.....	3.0	4.0	0.0
GRANTS.....	5.5	5.1	3.4
A.AID	1.0	0.3	0.3
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.0	0.3	0.3
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	4.6	5.7	0.0
LOANS.....	3.0	4.0	0.0
GRANTS.....	1.6	1.7	0.0
TITLE I-TOTAL.....	3.0	4.0	0.0
REPAY. IN $-LOANS.....	3.0	4.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	1.6	1.7	0.0
E.RELIEF.EC.DEV & NFP.	0.0	0.1	0.0
VOL.RELIEF AGENCY.....	1.6	1.6	0.0
C.OTHER ECON. ASSIST...	2.9	3.1	3.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.9	3.1	3.1
PEACE CORPS.....	2.9	3.1	3.1
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.1	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.1	0.1
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.1	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	8.5	9.2	3.5
LOANS.....	3.0	4.0	0.0
GRANTS.....	5.5	5.2	3.5
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	22.5	9.3	5.3	221.8
IBRD	0.0	0.0	0.0	18.7
IFC	0.0	0.0	0.0	2.1
IDA	21.5	0.0	5.3	124.3
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	1.1	0.0	37.5
UNDP	1.0	3.7	0.0	30.5
OTHER-UN	0.0	4.5	0.0	8.7
EEC	0.0	0.0	0.0	0.0

SOMALIA

Somalia has been ruled for the past 17 years by President Mohamed Siad Barre, head of the armed forces and Secretary General of the Somali Revolutionary Socialist Party, the country's sole legal political party. The formal government structure includes a National People's Assembly, created in 1980, and a Council of Ministers. The members of the Peoples Assembly were last elected on a single slate in December 1984 with no provision for alternative or dissenting votes. The Council of Ministers is appointed by President Siad. The President also regularly convenes the party politburo, a close circle of advisers composed of the four or five most powerful ministers, who also represent the major clans and clan groups in Somalia. Informal and formal consultations between the leadership and clans and clan groups also have a major impact on internal politics.

The ultimate source of the President's political authority is the military, which brought him to power in 1969. The police force performs day-to-day operations in maintaining civil order. These two uniformed services are augmented by the National Security Service (NSS), created in 1970, which has essentially unlimited powers of arrest, detention, and confiscation in matters deemed to involve national security.

Somalia is a poor country with few natural resources. Most of its estimated population of 7.6 million earn a bare subsistence as herdsmen or farmers. The country's economy suffers from periodic drought and overcentralization. Recurrent conflict with Ethiopia has entailed heavy defense expenditures and a massive refugee problem. However, since 1983 the Government has been introducing new policies to encourage development of the small private sector and to initiate financial reforms with the assistance of the International Monetary Fund, the World Bank, and the Agency for International Development. These reforms have had salutary effects on production and exports and have also lowered the inflation rate.

There was no significant change in Somalia's human rights situation in 1986. Civil and political rights remain tightly circumscribed, and public criticism of the Government is not allowed. The Government shows little hesitation to imprison those it sees as a threat to security. Two antiregime organizations, operating out of Ethiopia, conducted infrequent military attacks against Somali Government and army establishments, primarily in northern Somalia.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, including Freedom from:

a. Political Killing

There were credible reports that an Isaak tribesman, a member of the antigovernment Somali National Movement, whom the Somalis concluded was working for Ethiopia, was executed without trial in March. Opposition groups were responsible for a few deaths or woundings of civilians in the course of their attacks on government establishments. While the opposition's avowed targets are the military, a recent change in tactics involves use of land mines, which have injured some civilians. Amnesty International's 1986 Report noted

unconfirmed reports of extrajudicial executions of unarmed civilians in 1985 by the security forces in areas of armed conflict.

b. Disappearance

There were no reported cases of disappearance.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There are periodic but unsubstantiated allegations of the use of torture by police and security officials. For example, letters sent to President Siad Barre, Ambassador Haji Nur, and State Department officials allege that four detained Somali high school students were tortured before being sentenced to death in Hargeisa for unspecified charges in August 1986. There is evidence that authorities routinely apply rough treatment in order to obtain confessions from criminal suspects. Somali prisons are frequently unsanitary, and living conditions are harsh. According to Amnesty International's 1986 Report, political prisoners are reportedly held in harsh conditions in maximum security prisons, are denied contact with their families and, in some cases, are held in solitary confinement. Upon release from prison, some political prisoners have been restored to their old government jobs or have had new jobs created for them.

d. Arbitrary Arrest, Detention, or Exile

Despite constitutional provisions that accord Somali citizens the right to formal charges and a speedy trial, the criminal procedure code was modified in 1970 to exempt crimes involving national security from specific time limits and rules of procedure. Those arrested for expression of critical views of the Government may be charged with crimes against the State, such as sedition and conspiracy against the State, and held indefinitely without ever being brought to trial. The National Security Service is empowered to arrest without a warrant anyone suspected of a crime involving national security. There is no provision for bail in any but minor cases before the National Security Court.

There are an estimated 300 to 500 political detainees, of whom at least 200 are being held without charge, including 6 former members of Parliament arrested in 1982, presumably for alleged coup plotting. There is no known movement toward trial in any of these cases. Some detainees are also held incommunicado for various lengths of time. The Government provides no information about the number of detainees. The Government does not practice exile. In January, President Siad Barre publicly offered amnesty to dissidents abroad who wished to return to Somalia.

Compulsory labor is not permitted under the Somali labor code. However, occasional campaigns are organized by the Government or the party in which "voluntary" labor is used in cleaning up streets and is sporadically enforced by paramilitary youth units. Prisoners occasionally perform labor as part of their penal servitude.

e. Denial of Fair Public Trial

The Somali judicial system includes civil/criminal courts, headed by a Supreme Court, and a separate National Security Court. Lawyers are permitted to represent suspects before the National Security Court, but proceedings are not always open to the public. In contrast, the civil and criminal courts are conducted openly. Although nominally independent, the judiciary is in fact not distinguishable as an institution from the executive. The results are subject to review and control by the executive. All judges in the Supreme Court and lower courts are appointed by the President with the advice of the Higher Judicial Council, of which the President is the chairman. The right to appeal exists in criminal and civil cases but not in cases heard by the National Security Court. In the civil and criminal courts, legal assistance is provided, and there are established rules of evidence. There are no religious courts in Somalia. In certain civil proceedings relating to family matters, such as marriage and inheritance, the judge may cite the Koran in rendering decisions.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

"Mobilization Campaigns" are organized by the Somali Revolutionary Socialist Party to promote public participation in, and enthusiasm for, various civic and national programs, as well as general support for government policies. Participation in these campaigns is urged but not strictly enforced. Military press gangs are often used to provide "recruits" for the army. The National Security Service has the authority to search homes without warrants. This authority extends to monitoring communications and opening mail, although there is no evidence that such practices are broadly used. The NSS can effectively track the movements of persons through its comprehensive network of informants. Some more traditional families arrange marriages for their children, but the Government does not interfere with this facet of family life.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government forbids public expression of dissenting views. The media are owned and operated by the Government. There is one weekly newspaper, published in Arabic and Italian, which is privately owned but government controlled. The press disseminates only information and opinion acceptable to the Government. The Central Censorship Board retains control over all media including publications (foreign and local) circulated within the country, films, plays, concerts, and other means of communication, such as videotapes whether imported or produced in Somalia. In 1986 the only publication subject to frequent censorship was the magazine Africa Report published in New York. In the past, some Italian publications have been banned, as well as the quarterly journal Horn of Africa published in New Jersey by Somali and Ethiopian intellectuals who reside in the United States. One incident of censorship of the weekly magazine Newsweek occurred in 1986, when a letter concerning Ethiopian refugees was blacked out of all issues distributed in the country.

b. Freedom of Peaceful Assembly and Association

All nonreligious organizations and public gatherings are subject to government control or supervision. Protests against government policies are not permitted. In April a short-lived rally in favor of imposition of the Islamic Shari'a Law resulted in the arrest of nearly 100 participants.

The country's single labor confederation, the General Federation of Somali Trade Unions (GFSTU) is government controlled and its members do not have the right to strike. Organizing a strike is punishable by the death penalty. The GFSTU's main function is to monitor the work force and provide a conduit for worker grievances. The GFSTU is a member of the Organization of African Trade Union Unity and the International Confederation of Arab Trade Unions and participates in the International Labor Organization.

c. Freedom of Religion

Islam is the state religion of Somalia, and nearly 100 percent of the population is Muslim. The Government monitors the topics of sermons preached in the mosques and occasionally will arrest a religious leader whose text strays too far into political areas. The Government arrested Somalis and deported expatriates for Muslim Brotherhood activities, but contends that the Brotherhood which seeks to apply Islamic tenets to politics, is a secular, not a religious, organization. Somalis are free to participate in the Hajj, and many do so annually. Members of other religions may freely practice their faiths, but proselytizing is not permitted.

In June there were credible but unconfirmed reports that the Government arbitrarily arrested some Islamic "extremists" and accused them, among other things, of using religion to incite people against the security of the State. These "extremists" were reported to be radical Shia. (Somalis are predominantly of the Sunni sect of Islam.)

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Internal travel is not formally restricted but is controlled through police and military checkpoints in towns, border areas, and regions noted for interclan violence. Although any Somali citizen can obtain a passport, the Government denies exit visas to categories of people it prefers to keep in country, such as young men of military age and to those under police surveillance. Emigration is permitted for all but government employees. Somalis who have gone abroad are not restricted from repatriation. Those who have been involved in dissident activities against the regime may face questioning or imprisonment upon their return, although some returning dissidents who have renounced their opposition to the regime have been welcomed back and provided with government jobs.

Somalia provides a home to a much disputed number of refugees from Ethiopia. Estimates range from the Government's figure of 800,000 down to 350,000. Most are ethnic Somalis. In 1986 there was an increase in the number of non-Somalis seeking refuge in Somalia. The Oromos who fled to Somalia state that they were fleeing from the Ethiopian Government's villagization and collectivization policies. The Somali Government officially welcomes refugees to stay or to return

to Ethiopia as they wish. Real obstacles to voluntary repatriation, beyond the lack of agreement with Ethiopia, do exist, but some observers believe the Somali Government may be using the issue of repatriation as a tool in its long-running conflict with Ethiopia. Limited repatriation, assisted by the United Nations High Commissioner for Refugees, has begun; and about 1,000 refugees have returned to Ethiopia. The increase in the number of non-Somalis has created some ethnic tension in the northern region. These recent arrivals for the most part, like other non-Somalis displaced into Somalia, are not allowed to assimilate into the Somali population.

The Somali Government recently issued approximately 60 travel documents to refugees in Somalia who qualified for resettlement in the United States. These persons had been waiting for at least 2 years for this documentation.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

President Siad Barre rules Somalia and controls political participation through a single legal political party, the Somali Revolutionary Socialist Party. The party directs participation in Somali political affairs by individuals and organizatipns, such as the General Federation of Somali Trade Unions, the Somali Women's Democratic Organization, and the Somali Revolutionary Youth Organization. Voting for the People's Assembly entails only a vote for or against the party's national slate, although one need not necessarily be a member of the party to be included as a candidate on the slate. President Siad Barre, the sole candidate for president, was reelected to another 7 year term on December 23. There is no legal opposition to the Government, and public criticism of its policies is forbidden. Somalia has only one indigenous ethnic group, the Somali, which is subdivided into clans and clan groups. Although the country is ethnically and linguistically homogeneous, clan divisions have a great impact on domestic politics. President Siad recognizes the continuing strength of the traditional, clan-based political coalitions, and government officials frequently hold formal and informal consultations with various clan leaders. President Siad has used clan politics to maintain his rule by placing members of his own clan, the Marehan, in key positions. He is conscious of clan constituencies, and members of other clans also occupy important positions. Clan identification is very strong, and for many Somalis, the traditional clan system is the accepted vehicle of political expression. Clan politics and clan rivalries occasionally erupt into violence.

Women and minorities participate in politics and government. The Somali Women's Democratic Organization, though subordinate to the party, has advocated greater political participation and mobilization for women. A number of women are members of the People's Assembly. Other women occupy relatively important positions in various ministries. Several vice ministers and one ambassador are women.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Somali Government has refused requests by foreign officials and human rights organizations to visit political prisoners, and it has not responded to requests from various

governments and organizations, such as the International Parliamentary Union, to release the six parliamentarians who have been detained without charge since 1982. In November 1985 Amnesty International proposed a visit of inquiry to Somalia. At the end of 1986, the Government had not yet responded to that request. The International Committee of the Red Cross (ICRC) has a representative in Somalia and is allowed visits to prisoners of war from the 1977-78 Ogaden Conflict. The Somali Government requires that witnesses be present at ICRC interviews. There has been no repatriation or exchange of these prisoners of war, although the Governments of Ethiopia and Somalia discussed the issue during 1986. There are no Somali organizations which actively address human rights issues. In international forums, official Somali remarks on human rights are usually restricted to general statements and criticism of human rights practices in Ethiopia.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

While there is no overt discrimination of economic benefits among the various clans and clan groups in Somalia, members of certain clans with good political connections in the Government have been able to capitalize on the current economic liberalization. There is no discrimination regarding access to education and health services on clan or ethnic basis, although these social services are generally available, if at all, only in larger urban areas of the country.

While they have considerable inheritance and ownership rights, Somali women suffer from traditional discrimination in work and family matters. Long-established practices, such as female circumcision, remain prevalent despite Government opposition. Dowries and "wife buying" are also prevalent in the more traditional rural areas.

CONDITIONS OF LABOR

Somalia has comprehensive labor legislation which establishes minimum safety and health conditions for the workplace. These are applicable to the modern, or cash, sector of an economy which is predominantly pastoral and agricultural. The minimum age for employment of children is 15, and persons under 18 years of age are not permitted to work at night or in certain hazardous occupations. However, there is considerable child labor on the margins of the economy. Children sell cigarettes on the street, carry bags in the market, and watch and clean cars to support themselves and supplement family incomes. The established workday is 8 hours a day, with a total of 48 hours per week, and overtime hours can be limited. Workers are entitled to paid holidays, annual leave, and holiday bonuses. However, the salary scale is extremely low, especially in the public sector. The average salary of a civil servant is roughly $15 per month. Workers resort to second jobs, bribes, misuse of public funds, assistance from other family members, and remittances from abroad to support themselves and their families. Productivity in the public sector is extremely low, and many civil servants make minimal appearances in their offices. A civil service reform is beginning, through which it is projected public sector jobs will be cut by attrition and salaries increased.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SOMALIA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	81.7	82.7	44.5
LOANS.....	16.0	20.0	0.0
GRANTS.....	65.7	62.7	44.5
A.AID	50.6	51.0	44.5
LOANS.....	0.0	0.0	0.0
GRANTS.....	50.6	51.0	44.5
(SEC.SUPP.ASSIST.)...	35.0	30.0	22.0
B.FOOD FOR PEACE.....	31.1	31.7	0.0
LOANS.....	16.0	20.0	0.0
GRANTS.....	15.1	11.7	0.0
TITLE I-TOTAL.....	16.0	20.0	0.0
REPAY. IN $-LOANS.....	16.0	20.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	15.1	11.7	0.0
E.RELIEF.EC.DEV & WFP.	15.1	11.7	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	33.0	34.1	20.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	33.0	34.1	20.2
A.MAP GRANTS.....	32.0	33.0	19.1
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	1.0	1.1	1.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	114.7	116.8	64.7
LOANS.....	16.0	20.0	0.0
GRANTS.....	98.7	96.8	64.7
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	38.3	51.8	34.3	532.2
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.6	0.0	1.0
IDA	31.5	20.6	34.3	289.3
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	27.9	0.0	83.9
UNDP	1.8	2.7	0.0	60.7
OTHER-UN	5.0	0.0	0.0	18.8
EEC	0.0	0.0	0.0	78.5

SOUTH AFRICA

South Africa is a multiracial society whose laws codify the doctrine of apartheid, which prescribes the basic rights and obligations of people according to their racial or ethnic origin. The country's black majority (72 percent of its population) continues to suffer from pervasive, legally sanctioned discrimination based on race in political, economic, and social aspects of life. The "colored" (mixed-race) and Asian minorities also suffer from extensive racial discrimination, although to a somewhat lesser degree than South Africa's black population. Currently, the political rights of the black majority are confined to participation in tightly controlled urban councils in the country's black residential areas ("townships") and through the 10 government-designated tribal areas known as "homelands." Blacks have been excluded from even the limited political changes that have been made under South Africa's new Constitution, implemented in 1984, which features a racially based tricameral Parliament with a dominant white House of Assembly, a colored House of Representatives, and an Asian House of Delegates. The respective groups are represented in Parliament on a racial ratio of 4/2/1--white/colored/Asian. Blacks do not have the right to vote in national elections and have no representation in Parliament.

In 1986 there was a major deterioration of human rights in South Africa. Throughout the year, political discontent and violence persisted in the nation's black and colored townships. Following the July 1985-March 1986 State of Emergency, the Government imposed a new State of Emergency on June 12, 1986, which remained in effect at the end of the year. Under both States of Emergency, police and military exercised extraordinary arrest and detention powers. Furthermore, legislative amendments passed in 1986 gave the executive branch broad emergency powers without the need for a declaration of a State of Emergency.

The South African Institute of Race Relations (SAIRR) reported that 1,263 people had died as the result of political unrest from January to November. Most of the deaths occurred in the first half of the year, prior to the imposition of the second State of Emergency. By the end of 1986, human rights groups estimated more than 20,000 people had been detained under this second State of Emergency. An estimated 10,000 remained in detention at the end of the year. The Black Sash, an antiapartheid organization, estimated up to 1,800 of those detainees were under the age of 18, including many children 15 years of age or younger. Leaders of the opposition United Democratic Front (UDF), a coalition of more than 600 antiapartheid groups, and various black trade unions were special targets for detention under the latest State of Emergency. Throughout the State of Emergency, there were widespread reports of continuing officially sanctioned acts of violence against dissidents, despite the State President's public call in June for good behavior by security forces.

The banned African National Congress (ANC), most of whose leadership is in exile, imprisoned, or operating underground within South Africa, proclaimed 1986 as a year of intensified armed struggle against the apartheid system. In 1986 the ANC claimed responsibility for a number of acts of urban terrorism and landmine explosions in rural areas, although it often equivocated on its responsibility for incidents which involved civilian deaths. The ANC also called on blacks to overthrow the apartheid regime by concerted acts of violence, notably

against black police and township officials, to make the townships ungovernable. ANC leader Nelson Mandela, imprisoned after being convicted for sabotage in 1964, continued to serve a life sentence, despite repeated domestic and international calls for his release. In 1986 the Government reiterated its earlier position that it would release Mandela only if he renounced violence.

Other opponents of apartheid, such as young black activists in the townships, also advocated and engaged in violent attacks on black township officials and others suspected of "collaborating" with the Government. Many blacks were attacked by activists attempting to enforce protest activities such as school or consumer boycotts.

The Government imposed progressively harsher curbs on the media throughout the year to prevent the reporting of political unrest and antigovernment activities. In December the Government tightened existing emergency regulations to prohibit reporting on a variety of politically related topics without clearance by state censors.

In the first half of 1986, Parliament enacted some changes in the apartheid system. These changes included abolition of influx control or "pass" laws, which for years extensively regulated the right of South African blacks to be present in urban areas. Parliament passed legislation permitting some blacks to regain the South African citizenship they had lost involuntarily in previous years when some homelands were given "independence." The Government also introduced a freehold system of land ownership for blacks, permitting them to own residences in urban areas designated for blacks under the Group Areas Act. Notwithstanding the reforms, race still remains the fundamental basis for the organization of South African society. Discriminatory laws and practices remain woven throughout the fabric of South African life.

In November the Indaba--a constitutional convention of leaders of all races from the province of Natal and the homeland of KwaZulu--issued a far-reaching proposal for a new unified governmental structure for Natal/KwaZulu. The proposal included a bill of rights with firm constitutional guarantees of individual liberties and a universal franchise. The Government had not commented on the proposal by the end of the year, but the Indaba leaders planned to present it formally to the Government for approval and hold a referendum among the people of Natal and KwaZulu.

A serious economic downturn since 1984 has been a significant factor in generating political unrest. Some economic indicators in mid-1986 pointed to a modest improvement in the country's growth rate. The Government has estimated that an annual real growth rate of 5 to 6 percent is necessary for the economy to absorb the approximately 250,000 black entrants to the labor market each year. An even higher rate of growth would be necessary to reduce present black unemployment, which private observers estimate at 25 percent or more.

In May the South African Defense Force (SADF) launched simultaneous air raids on alleged ANC training camps in Botswana, Zimbabwe, and Zambia. In addition, attacks were made against Lesotho and Swaziland which were widely believed to have been launched by South African commandos. Several people, including refugees under the protection of the United

Nations High Commissioner for Refugees (UNHCR), were killed or injured in these raids.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Political violence in South Africa continued in 1986. The SAIRR reported 1,263 unrest-related deaths from January to November, an increase over the 1985 total of 879 deaths. Most of the deaths occurred in the first half of 1986. There was a marked decrease in the number of unrest-related deaths following the imposition of the State of Emergency. In December the SAIRR said that conflict within the black community accounted for 45 percent of all political fatalities in 1986; deaths at the hands of security forces, 33 percent; deaths in unclear political circumstances, 12 percent; insurgency-related deaths and casualties among security forces, 10 percent.

Police often quelled demonstrations with excessive force, utilizing tear gas, birdshot, whips, and rubber bullets, and, at times, live ammunition. On March 26 police in Bophuthatswana (one of four so-called "independent" homelands) opened fire on a group of several thousand demonstrators in Winterveldt, near Pretoria, killing at least 11 people.

While many unrest-related deaths occurred as a result of police action, a sizable number of killings resulted from internecine political strife within the black community. In August the Government Bureau of Information said that there were more than 300 deaths by burning alone as a result of "black-on-black" violence from January through mid-June of 1986. Many of these deaths involved the notorious "necklace," in which a gasoline-soaked automobile tire is placed around the victim's neck and then lighted. In April authorities in the Lebowa homeland found the remains of more than 30 victims of suspected black-on-black violence in shallow graves in Sekhukuneland. It was not clear whether these killings were politically motivated. As of the end of 1986, they were still unsolved. Many were killed in clashes between supporters of different political factions, such as Inkatha, the Azanian Peoples' Organization (AZAPO), and the UDF.

Some critics of the Government have claimed that much black-on-black violence was instigated by covert government agents. In some instances, most notably in fighting in May and June in the "Crossroads" squatter camps in Cape Town, there was ample evidence to support this charge. Early in the year, residents of the black township of Alexandra (near Johannesburg) furnished affidavits in which they said that known police officers had participated in fire bomb incidents in the township. The Government supports vigilante groups that ostensibly ensure neighborhood safety, and, in some cases of unrest, the police have stood aside to let armed vigilante groups subdue dissidents. In the KwaNdebele homeland, a late member of the leadership allegedly led gangs who attacked groups opposed to the acceptance of independence for that homeland. In January there were reports that police observed a violent incident in which UDF leader Ampie Mayisa was murdered in the Transvaal township of Leandra but did nothing to prevent it. On December 1, unidentified gunmen in the

SOUTH AFRICA

Pretoria township of Mamelodi assassinated Dr. Fabian Ribeiro and his wife. Both were known for their opposition to the Government. Circumstantial evidence pointed to the possible involvement of elements of the government security establishment in these killings, which remained unsolved at the end of 1986.

As in prior years, 1986 saw a continuation of the serious problem of suspicious deaths while in police custody. In April Lucky Kutumela, a journalist and member of the AZAPO, died in police custody of head injuries only hours after being taken into detention. Also in April, Peter Nchabaleng, a Transvaal provincial official of the UDF, died in the custody of the Lebowa homeland police. Authorities claimed he suffered a sudden heart attack, but family members said that Nchabaleng, 59, was in good health at the time of his arrest and had no history of heart difficulties. As of the end of 1986, the Government had not undertaken prosecutions in either of these cases. Several other deaths of detainees occurred during 1986, although not all involved political figures. Simon Marule, a 20-year-old detainee, died while in custody in December of what police described as an epileptic seizure, but his family claimed that he had no history of epilepsy. Some of the deaths of detainees were reported suicides. South African human rights groups have pointed out that, of 89 known deaths in detention since 1963, at least 29 have been attributed to suicide.

The ANC, a revolutionary organization that openly advocates the overthrow of the apartheid regime, encouraged violent activity throughout the year but often equivocated or was silent on the question of responsibility for individual terrorist incidents. Following a car bomb blast in Durban in mid-June that killed three, the ANC declined comment on what, if any, responsibility it had for the incident. It equivocated with regard to a number of other urban terrorist incidents and, with regard to still others, denied involvement. As in previous years, in 1986 the ANC primarily targeted offices and installations involved with the administration of apartheid (so-called "hard" targets), although it did hit some civilian or "soft" targets.

In 1986 the ANC continued with its 1985 strategy of blurring the distinction between hard and soft targets. While ANC rhetoric from overseas broadcasts urged a spread of violence to white areas, officials of the organization disavowed a strategy of deliberately hitting civilian targets, but said that the involvement of civilians as "crossfire" victims was inevitable. In August the ANC acknowledged responsibility for a landmine attack in the eastern Transvaal. The ANC takes the position that white farmers in northern border areas of South Africa constitute part of the Government's security establishment. In April a court in Durban convicted Andrew Zondo, an admitted ANC supporter, of five counts of murder in connection with a December 1985 shopping center bomb blast in Amanzimtoti, near Durban. Zondo received the death sentence. After exhausting judicial appeals, he was executed in September.

Many casualties in black township political violence were due to attacks by radical blacks on township government officials, black policemen, and other suspected "collaborators." These attacks were probably at least partly inspired by the ANC, which has called on blacks to render the townships ungovernable and to attack so-called collaborators in the black community.

The Pan-Africanist Congress (PAC), another antiapartheid organization in exile, also advocated violent opposition to the South African Government. In addition, many blacks in South Africa espoused or condoned violent opposition to apartheid. In April Winnie Mandela, wife of jailed ANC leader Nelson Mandela, said in a speech: "With our boxes of matches and our necklaces, we shall liberate this country." Many young black activists in the townships (so-called "comrades") were responsible for numerous acts of violence and intimidation. In several instances, they killed or seriously injured blacks who they believed were not complying with such protest activities as school or consumer boycotts. Frequently, the distinction between politically motivated violence and common crimes has been blurred where criminal elements in the townships with no political motivation have posed as "comrades."

b. Disappearance

In recent years many people have disappeared, reportedly into police custody, for long periods. Some, missing for very long periods of time, are suspected by friends and associates to have been killed by security forces. South African law does not require notification of an individual's family, lawyer, or any other person in the event of his detention or arrest. The second Police Amendment Act of 1980 prohibits the unauthorized publication of the name of any person detained where "the prevention of or combating of terroristic activities" is the reason for the detention.

In the weeks following the Government's June 12 State of Emergency declaration, various human rights groups estimated the number of "disappeared" persons at 12,000 or more. Because the Government, for a period of more than 2 months, would not release the names of detained persons, human rights groups, families of missing persons, and lawyers were unable to distinguish between "detained" and "disappeared" persons. In August the Minister of Law and Order tabled a list of 8,553 State of Emergency detainees in Parliament. Several weeks later, a supplemental list of 786 persons was added. These lists only included detainees held for at least 30 days. As of the end of 1986, this constituted the Government's only official public accounting of emergency detainees. The opposition Progressive Federal Party (PFP) and human rights monitoring groups estimated that substantial numbers of detainees were not named by the Government in the August list, claiming that by mid-August the Government had detained between 10,000 and 12,000 persons under the emergency. While government spokesmen say that family members were routinely informed of emergency detentions, in practice this did not occur in numerous instances.

Following the June 12 emergency declaration, many black activists reportedly left the country surreptitiously or went into hiding to avoid detention. These circumstances further complicated the task of accurately accounting for the many persons who reportedly disappeared after June 12. Government press curbs imposed in December prohibited news reporting on detention cases and on unresolved litigation concerning detentions without prior government clearance, which rendered the task of accounting for missing persons still more problematic.

SOUTH AFRICA

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Security legislation, in particular the Internal Security Act, allows police considerable latitude and generally unsupervised discretion in the arrest and detention of suspects and in the interrogation of detainees. The Act allows for lengthy periods of detention during which authorities are not obliged by law to present formal charges. Such detentions are a frequent occurrence and offer considerable potential for police abuse of detainees. State of Emergency regulations exempting law enforcement officials from both criminal and civil liability for "good faith" acts undertaken in enforcing both States of Emergency were cited by many observers as giving police the impression that they have a license to engage in abusive conduct.

In 1986 many persons who had been released after being detained under State of Emergency and security legislation regulations gave accounts of beatings and other abuses by police. They reported that they had been held in solitary confinement during their detention. Others gave accounts of torture by police, including applications of electric shocks to hands, feet, and genitals. Most of the latter cases allegedly occurred during and immediately following arrest and often appear to be the result of poor discipline on the part of police officials. The chances of physical abuse taking place appear to diminish once a detainee is processed and made part of the general inmate population. Instances of abuse in prisons, while not unheard of, appear to happen with much less frequency than is the case at police stations. At the end of 1986, the Detainee Parents' Support Committee (DPSC) released a report in which a medical panel it sponsored had surveyed approximately 500 released detainees under both States of Emergency. The survey's preliminary findings indicated that 83 percent showed signs of some physical abuse.

In August the Southern African Catholic Bishops' Conference brought an application in the Supreme Court alleging that its Secretary General, Father Smangaliso Mkhatshwa, had been tortured by security forces while held in State of Emergency detention. Available evidence suggested that Father Mkhatshwa's allegations of physical abuse were true. In response to this application, the Government agreed that its personnel would refrain from physical abuse of Father Mkhatshwa, without admission of any such abuse. The Government has permitted Supreme Court judges to visit State of Emergency detainees in prisons and in police cells. Government press regulations issued in December banned reporting on conditions of detention without prior government clearance.

In a June 12 televised address on the State of Emergency, the State President said that security forces "are the friends of each peace-loving and law-abiding citizen of this country. The Government expects them, at all times, to act in such a way that there could be no doubt of this." For the most part, the Government has undertaken no serious public effort to hold erring police and other security force members accountable for apparent abuse of detainees. In 1986 two policemen were convicted of assault arising out of a 1985 attack on Natal Indian Congress Official Billy Nair, which took place in September 1985 while Nair was in detention. In March police in the Lebowa homeland assaulted an American citizen, Beth Ann Burris, while breaking up a meeting at a church with whips and tear gas. The available evidence indicated that Ms. Burris

was an innocent bystander who fell victim to random and brutal police conduct. While she pursued criminal charges against the police, Lebowa authorities obstructed this effort. In May a court in the Eastern Cape convicted one black security police officer of murder and another of assault in connection with attacks on young blacks.

d. Arbitrary Arrest, Detention, or Exile

The Internal Security Act authorizes the Minister of Law and Order to order detention without trial for varying--in some instances potentially unlimited--periods of time. In 1986 amendments to the Internal Security Act introduced a new form of preventive detention of up to 180 days which could be used in "unrest situations." The Minister of Law and Order himself must personally issue "preventive detention" orders under section 28 of the Act. Senior police officials have broad powers to detain people for interrogation under Section 29 of the Act when offenses such as terrorism, sabotage, or inciting a revolution are suspected. Access to Internal Security Act detainees is severely restricted. In May the Appellate Division of the Supreme Court ordered the release of several Internal Security Act detainees under Section 28 of the Act, holding the terms of the detention orders to be insufficient to make out a proper case of risk to the security of the state under the Act. This and other court decisions, while holding that the Government improperly detained numerous persons, nonetheless implicitly sanctioned Internal Security Act detentions when done in strict compliance with the Act.

Invoking the Public Safety Act of 1953, the Government imposed a new State of Emergency June 12, 1986, which remained in force at the end of the year. Many observers characterized the latter State of Emergency as a more draconian version of the July 1985 emergency declaration. Under the June 1986 emergency, in effect nationwide, SADF members and police officers down to the rank of constable were empowered to detain persons for a period of 14 days. At the expiration of this period, the Minister of Law and Order could extend the detention for an indefinite period of time, limited only by the duration of the State of Emergency. Following the emergency declaration, the Government made immediate and widespread use of these powers, arresting thousands and detaining them without criminal charges. Black trade union officials and members of the UDF were particular targets.

At the end of 1986, the DPSC estimated total emergency detentions since June 12 at approximately 20,000. The Black Sash organization said up to 1,800 of the detainees were under the age of 18, including many children 15 years of age or younger. The Government admitted in December that 256 children under the age of 16 were in detention, but did not say how many detainees between the ages of 16 and 18 were being held. In addition, more than 2,400 people were reportedly detained under non-State of Emergency security legislation during the first 9 months of 1986, 181 of whom were still in custody as of the end of September. Amnesty International's 1986 Report estimated that 2,000 of those detained in 1985 under the first State of Emergency were under 16 years of age.

While no accurate statistics are available, it is believed that a majority of detainees under the first State of Emergency (an estimated total of more than 10,000 persons in 7 1/2 months) were not charged with criminal offenses. Similarly,

most persons detained under the June 12, 1986 State of Emergency have not been criminally charged.

Many political figures, community activists, lawyers, churchmen, trade union officials, journalists, and others were detained under the June 12 State of Emergency. Prominent figures among the emergency detainees were: Richard Ramodipa, Executive Board member, Black Lawyers' Association; Saths Cooper, President, AZAPO; Phiroshaw Camay, General Secretary, Congress of Unions of South Africa; Zwelakhe Sisulu, Editor, New Nation newspaper; Father Smangaliso Mkhatshwa, Secretary General of the South African Catholic Bishops' Conference; and Bishop Sigisbert Ndwandwe of the Anglican Church. Ramodipa, Cooper, and Camay were freed at the end of August and Bishop Ndwandwe in September without criminal charges being filed against them. Sisulu was released in July but rearrested in December. The Labor Monitoring Group (LMG), which gathered statistics on State of Emergency detentions of unionists, said in late August that 333 trade unionists remained in State of Emergency detention, while a grand total of 2,775 union members were detained at one time or another since June 12. LMG figures indicated that 79 percent of labor detainees were affiliated with the black membership of the Congress of South African Trade Unions (COSATU).

Arbitrary arrests also occurred frequently in the so-called "independent" homelands, which have security legislation comparable to South Africa's, and whose law enforcement officers cooperate closely with the South African police establishment. In November Dean Simon Farisani of the Evangelical Lutheran Church was detained in Venda. He remained in custody without being charged as of the end of 1986. Police held him incommunicado, despite requests for visits by his family and legal representatives.

Foreign nationals enjoyed no immunity from arbitrary emergency detention. For example, in June security police in Nylstroom, Transvaal, detained Charles Zechman, an American citizen missionary. Zechman was held in solitary confinement for 30 days, was refused visitors (except for two consular visits), and was later released without being charged, but with the condition that he depart promptly from South Africa. Similarly, in June Pretoria police detained Annica van Gylswyck, a Swedish citizen with permanent residence in South Africa and a prominent figure in the Black Sash antiapartheid organization. Following 5 weeks in solitary confinement, police presented Mrs. van Gylswyck with an ultimatum to depart the country or face 180 days in detention to be followed by unspecified criminal charges. Both Mr. Zechman and Mrs. van Gylswyck departed South Africa following their respective releases.

The Internal Security Act also authorizes the Minister of Law and Order to issue "banning" orders. Under such orders, any person judged by the Minister to be endangering law and order, threatening state security, or promoting the aims of communism or an unlawful organization can be (1) made to resign as an officer or member of any organization; (2) restricted to or excluded from certain areas; (3) prohibited from meeting with more than one person at a time; (4) ordered to report regularly to a police station; and (5) prohibited from being quoted or published. Courts cannot challenge the Minister's power to issue banning orders, although they may inquire into the technical validity of banning orders. According to the SAIRR, over 1,400 South Africans have been banned at some time since

1950. Prominent among "banned" persons at the inception of 1986 was Winnie Mandela, wife of jailed ANC leader Nelson Mandela. By July the Government conceded that no restriction order of any kind was in effect with regard to her. In March the Government banned two Eastern Cape political activists, Henry Fazzie and Mkhuseli Jack. They remained under house arrest-style restrictions for some 10 days, until a court invalidated the banning orders. In 1986 the Government lifted longstanding banning orders against Rowley Arenstein, a Durban lawyer, and against Mathatha Tsedu, a black journalist and trade unionist. As of the end of 1986, local human rights groups said that there were no persons technically "banned" under the Internal Security Act. However, numerous State of Emergency detainees, while not technically "banned" under security legislation, were released from detention subject to restrictions on their movements and on their involvement in political matters. Still others were not detained but were placed under State of Emergency "restriction orders" which seriously curtailed their antigovernment activities.

Forced labor is not used in South Africa as a means of political coercion or education nor as a sanction against political or ideological opinions. A 1984 International Labor Organization (ILO) report noted, however, that under the Prisons Act of 1959, the Commissioner of Prisons can "contract with any authority or public body or with a person or body of persons for the hiring and employment of prisoners under sentence." The report further noted that a large portion of the prisoners designated for such work were blacks convicted of pass law offenses, and that the agricultural sector made the greatest use of this convict labor. In 1986 the Government announced there were no more pass offenders in its prisons, a fact that human rights monitoring groups confirmed. In June 1986, the Government announced that all convict labor would be phased out by September 30.

e. Denial of Fair Public Trial

The power of the South African judiciary at all levels is circumscribed by stringent security legislation and by the jurisprudential principle of parliamentary sovereignty, under which judges possess no authority to alter, strike down, or refuse to enforce properly enacted Acts of Parliament. All judges of South Africa's Supreme Courts are white, as are the vast majority of its magistrates.

South Africa has an adversarial system of criminal justice drawn from a mixed heritage of Roman-Dutch and British jurisprudence. Trials of lesser offenses are heard by magistrates, who are career employees of the civil service in the executive branch. More serious offenses, including capital crimes, are tried in the Supreme Courts. Determinations of guilt or innocence are made by the presiding judge or magistrate. There are no juries. Judges in capital and other serious cases are empowered to appoint two "assessors," who serve as factfinders and who have the power to veto the presiding judge on the final verdict. Persons charged with common crimes are presumed innocent until proven guilty, although Parliament has modified this general presumption of innocence for many security offenses. The Internal Security Act effectively places the burden of proof of innocence on an accused for a number of offenses enumerated in the Act. Both security-related and common crimes cases are tried in civilian courts.

SOUTH AFRICA

While South Africa's Supreme Courts are generally viewed as politically independent, critics of the system regard magistrates (who are often former government prosecutors) as strongly progovernment in their orientation. Judges of the Supreme Court are appointed to the bench by the State President. Their service is until age 70, and they cannot be removed from office except by impeachment by Parliament. By tradition, Supreme Court judges are appointed to the bench from the ranks of the elite corps of South African Supreme Court practitioners ("advocates"). While Supreme Court judges are believed to demonstrate considerably more intellectual and political independence than do magistrates, critics have charged that some Supreme Court judges tend to side with the Government in politically sensitive cases and are specifically selected by the Government to preside over these cases. The weeks following the State of Emergency declaration in June saw a spate of legal challenges to both the State of Emergency and to the legality of the detention of persons under State of Emergency regulations. In September the South African Supreme Court, Appellate Division (the nation's highest court), ruled that provisions of regulations promulgated by the executive under the State of Emergency complied with the relevant enabling statute, the Public Safety Act of 1953. There were numerous technical challenges throughout the country to various State of Emergency detentions during the second half of 1986, some of which succeeded.

Defendants in criminal cases have the right to counsel. If a person cannot pay for his or her defense, limited funds for legal assistance are available through the government-supported legal aid fund and through various private organizations. These sources, however, are insufficient to meet the needs of all indigent defendants. Courts usually appoint counsel in capital cases where the defendant cannot afford his or her own lawyer. Security trials are often held in remote locations, far from metropolitan areas. Because of case backlogs, postponements, and the practice of hearing cases concurrently, criminal trials can sometimes take months, even years, to complete. This is particularly true in security cases.

In January the Government began its prosecution of what many termed the most significant security/political trial of a generation, involving high treason, murder, and other security charges against 22 defendants, members of the UDF, AZAPO, and various black civic organizations. In November the Supreme Court, Transvaal Provincial Division, dismissed all charges against three defendants for the State's failure to make out prima facie cases against them. At that time, the Court also granted bail to 6 of the remaining 19 defendants. At the end of 1986, 13 defendants remained in custody, many of them having been imprisoned since late 1984. As of November, the State had rested its case, and the defense had begun its presentation. Defendants were represented by an extremely able team of legal counsel.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The system of apartheid necessarily involves the Government in extensive regulation of social, personal, and family life. A person's identification as a member of an ethnic group or race is based on definitions and decisions of the Government under the Population Registration Act. Under this law, every child born in South Africa must be registered and classified according to race. In borderline cases, racial classification

is determined administratively by a racial classification board, empowered to weigh "evidence" and to issue a verdict on an individual's race when the parents' racial classification is not known. Under apartheid, association in many social settings is not a matter of free choice. The Separate Amenities Act allows public premises to be reserved for the exclusive use of persons of a particular race. In recent years, the Government has expanded the scope of administrative exceptions to apartheid laws, and has allowed most restaurants hotels, theaters, cinemas, drive-in theaters, private hospitals, parks, libraries, and other public facilities to admit persons of all races upon application. Many but by no means all private establishments have opted for "multiracial" status.

Despite many reforms in recent years in the area of so-called "petty apartheid," a substantial degree of social segregation still exists in South Africa, legally permitted--in some case mandated--by numerous statutes, provincial ordinances, and provincial bylaws. Social apartheid is now being enforced with less rigidity than in the past, however, and is evolving slowly toward a "local option" system. Some local authoritie have made use of the limited discretion they have to desegregate facilities under their control, while others have not. In 1986 some big city governments desegregated central business districts under an amendment to the Group Areas Act permitting such action in commercial areas. Despite its having led in recent years with a reform policy in this area, the ruling National Party, during 1986, reiterated earlier government policy on the questions of segregated housing area and schools for the races, stating that racial segregation in these two critical areas will continue under the rubric of "group rights."

The Group Areas Act remains one of the cornerstones of apartheid. Under its provisions, the Government mandates tha the different races must reside in separate areas. In some cases, when one spouse is prohibited from living with the other because of the Group Areas Act, the benefits of the repeal of the miscegenation laws in 1985 have been vitiated. For blacks, even the right to reside in a segregated urban township is not available if one is deemed a "citizen" of one of the so-called "independent" homelands. Such persons are regarded as aliens in so-called "white" South Africa, and, notwithstanding their birth in South Africa, are subject to the same restrictions as any foreigner. Most blacks who live in urban township houses rent them from the Government, which owns and subsidizes them. In 1986 Parliament passed a law allowing freehold land ownership in appropriate group areas for blacks, who had hitherto only been able to lease land for 99 years. Many urban townships are still seriously lacking i some or all modern amenities, such as electricity, running water, indoor plumbing, public sewage, paved roads, and recreational facilities. Some declared townships are little more than permanent shanty towns with "houses" constructed of fibreboard and corrugated iron. Townships are often located at long commuting distances from cities, where most employmen opportunities for South Africa's blacks are found.

Notwithstanding the Group Areas Act, a growing number of so-called "grey areas" exist in some major cities, where blacks, coloreds, and Asians reside in technically white areas, often without government interference. Occasionally, there are criminal prosecutions for such violations of the Group Areas Act. In July a white Cape Town man was convicted

of a criminal violation of the Group Areas Act for cohabiting with his colored common-law wife. Some private schools in white-designated areas engage in technical violations of the Group Areas Act, without government interference, by admitting black, colored, and Asian students.

The 1960's "grand apartheid" policy of extending "independence" to South Africa's tribally based homelands has involved the Government in long-term, institutionalized disruptions of black families. Blacks who are designated as "citizens" of the homelands may obtain work permits allowing them to reside in urban areas of so-called white South Africa, but they may not be accompanied by their spouses and children. Tens of thousands of such persons are forced by housing shortages to reside away from their families, often in overcrowded single-sex dormitories in urban areas.

Because the blueprint of group areas called for by apartheid legislation has not always corresponded to the actual locations of the various racial groups, the Government has over the years forcibly relocated many people. The South African Council of Churches has estimated that since 1961, the Government has forcibly resettled approximately 3.5 million blacks, coloreds, and Asians. Government figures issued in 1984 asserted that 2 million blacks had been resettled since 1960. In early 1985, the Government announced a suspension of forced removals in favor of a policy of negotiating with affected communities on relocation issues. In several instances, however, the Government has refused to negotiate with recognized black community leaders. In other instances, it has engaged in effectively coercive removals, refusing to furnish fundamental infrastructure such as sewage facilities, electricity, and running water in black communities it seeks to remove to other areas. The Government has also adopted the approach of refusing to assign new housing to persons in existing black communities where it seeks removals. In 1986 the Government adopted these tactics in an effort to remove the 15,000 residents of the 60-year-old black community of Oukasie, near the town of Brits, to a site near the Bophuthatswana border. As of the end of 1986, the Government had "deproclaimed" the community as a black residential area, while some 10,000 residents remained there in the hope that the Government would reverse this decision. Many of these people opposed removal on the suspicion that the community where they would be resettled would eventually be incorporated into the so-called "independent" homeland of Bophuthatswana, a move that would have adverse consequences for their South African citizenship. Resettlement areas, particularly when located in the homelands, often have inadequate infrastructure and insufficient land and water for profitable agriculture.

The Black Urban Areas Consolidation Act allows police to enter homes without a warrant if any black is suspected of residing or working in the area illegally. The Criminal Procedures Act of 1977 authorizes a judge or magistrate to issue a search warrant if there is some reason to believe that "the internal security of the republic or the maintenance of law and order is likely to be endangered by or in consequence of a 'meeting' being held in a given place." Under this same Act, a police officer may enter, search, and question without a warrant, if the officer has reason to believe a warrant would be issued but the delay caused by first obtaining the warrant would defeat the purpose of the search.

SOUTH AFRICA

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Throughout 1986 South Africa's largely white-owned press continued, when possible, to engage in vigorous criticism of the Government and its policies. Freedom of speech and press are seriously circumscribed by several acts of Parliament, including the Defense Act, the Police Act, the Prisons Act, the Internal Security Act, the Protection and Information Act, and especially the Public Safety Act which is the legal basis for the regulations and restrictions under both States of Emergency. The latter restrictions impair freedom of expression and press by making "subversive statements" a criminal offense (e.g. encouraging strikes, boycotts, the promotion of disinvestment) and include bans on television coverage, still photography, sketching, and radio recording from areas covered by the State of Emergency. Penalties for infractions include fines of up to $8,000 and/or imprisonment for up to 10 years. In December the Government issued an even tighter set of press restrictions which makes it a criminal offense to publish material on political unrest, detention cases, the treatment of detainees, and various types of political activity without prior government clearance. These restrictions greatly reduced media coverage in 1986, in particular through television, of political unrest, but also at the end of the year through government delays in clearing press articles.

The Government took direct action against the press in a number of specific cases. In June shortly after the emergency declaration, the Government summarily confiscated an entire edition of one independent newspaper, the Weekly Mail, on grounds that it contained items that violated the emergency regulations. On two occasions, it also seized copies of the Sowetan, the nation's leading black daily. In July the Government expelled Newsweek Bureau Chief Richard Manning, an American citizen, as an "undesirable alien." It also expelled several other foreign journalists in the weeks following the emergency declaration. In November the Government ordered Los Angeles Times correspondent Michael Parks to leave South Africa by the end of December, but later extended the deadline to the end of January to allow Parks and his employer to appeal the order. The Government also impeded the flow of information from South Africa by refusing visa requests by foreign journalists or by subjecting them to inordinate delays. In August two U.S. broadcasting companies, ABC and CBS, stated that certain of their news tape cassettes, transported via international delivery services from South Africa to the United States, were tampered with or stolen in transit.

In this atmosphere, self-censorship is rife, and many newspape editors said that they have had to surrender ultimate editing responsibility to their lawyers. While there were no known convictions of journalists under the various laws or regulations, some were detained (see section 1.d.). In late 1985, the Government brought Internal Security Act charges against Cape Times Editor Anthony Heard and against South African Associated Newspapers (SAAN), the owner of the Times, after the newspaper published Mr. Heard's interview with ANC leader Oliver Tambo. In August the Government dropped the charges against Mr. Heard, while SAAN pleaded guilty to violations of the Act.

SOUTH AFRICA

In July and August, several publishers launched a challenge to State of Emergency press curbs in the Supreme Court for Natal province. The court ruled in favor of the newspapers, holding that the emergency provisions against publication of "subversive statements" which allowed for police seizure of certain "subversive" publications were overly vague. This decision did not have nationwide effect, however, as the court's jurisdiction did not extend beyond Natal province.

In addition to censorship and self-censorship, an institutionalized system of self-regulation exists in the newspaper industry. The Media Council, formed in 1983, has been given the power by its convenors to impose penalties on errant members of the newspaper press union and other media that submit to the council's jurisdiction.

Under the Publications Act (applicable to most periodicals, with the exception of newspapers), the importation, possession, and publication of politically or morally "undesirable" works is prohibited. Materials subject to censorship include those found to be "indecent or obscene," "blasphemous," or "prejudicial to the safety of the State." Committee decisions are subject to review by a Publications Appeal Board. The Board's decisions are not subject to judicial review, except in rare instances.

The Government exercises a near monopoly on television and radio broadcasting through the state-owned South African Broadcasting Corporation (SABC). With some exceptions, SABC largely reflects progovernment viewpoints both in its news reporting and editorial policy. While the Government professes that SABC is politically independent, a wide range of the political spectrum, from the liberal PFP to the right-wing Conservative Party, characterizes the corporation as an editorial arm of the ruling National Party.

b. Freedom of Peaceful Assembly and Association

The Internal Security Act seriously obstructs freedom of assembly as it gives magistrates the power to ban or impose conditions on the holding of public meetings and to close off areas to the public to prevent prohibited gatherings. In response to widespread unrest in 1976, the Minister of Law and Order banned all outdoor gatherings except sports events or specially authorized meetings. The Government has renewed this ban on an annual basis since 1976 and did so again in 1986. At the end of 1985, the Government imposed a 6-month ban on indoor meetings of some 74 antigovernment organizations, including the UDF, AZAPO, the Release Mandela Committee, and the DPSC. This ban was in effect in 30 magisterial districts throughout the country. Throughout the 1986 emergency, there was widespread banning of meetings of political, civic, and youth organizations throughout the country. Police frequently arrested persons in townships on charges of participating in illegal gatherings. The Government also maintained a ban on a number of important political organizations, premier among these the PAC, the ANC, and the Congress of South African Students (COSAS).

During 1986 government policy appeared aimed at hindering the UDF by detaining key leaders. Founded in August 1983, the UDF is a loosely organized national movement of over 600 community groups, church and civic organizations, and labor unions. Although the movement contains elements that adhere to the more revolutionary values of the ANC, most of its member

organizations describe themselves as advocates of nonviolent political and social change. In October the Government declared the UDF an "affected organization," meaning it could no longer receive funds from abroad, a move which was interpreted by many observers as an effort to hamper the organization's effectiveness.

The South African Labor Relations Act recognizes the right of employees to form and to join trade unions. Amendments to the Labor Relations Act passed between 1979 and 1981 for the first time granted South African blacks full status as employees and removed impediments to the legal operation of black trade unions. Trade union members, approximately 50 percent of whom are black, constitute about 17 percent of the total labor force of nearly 12 million. In 1979 fewer than 100,000 blacks were trade union members. At the beginning of 1986, black trade union membership stood at nearly 1 million, according to government estimates.

The Labor Relations Act does not cover farm workers and domestic servants, who together comprise approximately 2 million workers (about one-sixth of the total labor force). Workers in these two categories, nearly all of whom are black, enjoy few protections under the law. With the qualified exception of KwaZulu, none of the homelands has labor legislation to match the post-1979 reforms passed by the South African Parliament. Ciskei and Transkei have banned a major trade union active in the Eastern Cape (the South African Allied Workers Union), and Bophuthatswana has prohibited unions headquartered elsewhere from operating in its territory.

The right to strike exists under the Labor Relations Act but is qualified by a mandatory prestrike conciliation process that can take as long as 2 months to complete. Nearly all strikes occurring in recent years have been staged by emerging black unions, and most of them have been technically illegal. In addition, the right to strike is seriously modified by the common law right of an employer to fire any striker (whether the strike is legal or illegal) on grounds of breach of the person's employment contract. A 1985 opinion of the Industrial Court, however, has significantly improved the position of legal strikers. The increase in the number of strikes, which reached record levels in 1985 and the first half of 1986, reflects the success of black trade unions in mobilizing workers and in articulating grievances. However, massive detentions of trade union officials and members under the State of Emergency regulations served to reduce the political activism of black unions in the second half of 1986.

South African trade unions are independent of the Government, and most of them have no links with any political party or movement. Some exceptions are: the all-white South African Confederation of Labor, with about 100,000 members, which is widely believed to have ties to the right-wing Herstigte Nasionale Party; COSATU, which emerged in 1986 as a de facto ally of the UDF; and the United Workers Union of South Africa, which is associated with Inkatha.

South Africa has not been a member of the ILO since the early 1960's. The Government monitors but does not prohibit trade union relations with the international labor movement. Government passport and visa policy, however, sometimes impedes these relations. As of the end of 1986, no South African labor organization had official links with the International Confederation of Free Trade Unions.

c. Freedom of Religion

South Africa's multiracial society has a wide variety of religious denominations, and the Government generally respects freedom of worship. Religious organizations are allowed to hold meetings and other activities without interference as long as they do not seriously challenge government policies. As with other aspects of South African life, churches are often divided along racial lines, but many churches (including a growing number of white churches) challenge apartheid on moral grounds. The Defense Act provides alternative service options for religious objectors to national military service. Conscientious objectors on nonreligious grounds continue to be subject to a maximum 6-year sentence for refusing to serve.

The Government is often at odds with a number of the country's church leaders, some of whom are outspoken critics of the apartheid system. These include Anglican Archbishop of Cape Town Desmond Tutu; Rev. Allan Boesak, President of the World Alliance of Reformed Churches; and Archbishop Denis Hurley, Head of the Catholic Archdiocese of Durban. In November the Government dropped subversion charges against Rev. Boesak, which had been pending since August 1985. These charges stemmed from an effort by Rev. Boesak to stage a march on Poolsmoor prison near Cape Town, where ANC leader Nelson Mandela is imprisoned. Some church leaders, most notably Archbishop Tutu, have openly advocated economic sanctions by the international community against South Africa. While Archbishop Tutu's remarks on this and other issues have drawn heavy criticism from some government officials, as of the end of the year the Government had taken no action to restrict him.

Churchmen have been frequent targets of detention, both by South African authorities and by police in the so-called "independent" homelands. Dean Simon Farisani of the Evangelical Lutheran Church was detained in Venda in late November and remained in custody at the end of the year. In November police in the Transkei detained Larry Hill, an American citizen missionary, for 2 weeks without criminal charge. On December 17 Transkei authorities detained Father James Paulsen, also an American citizen, without criminal charge. He remained in custody at the end of the year. Numerous other clergymen have also been detained under security laws, nearly always without criminal charge.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Since the inception of the Government's homelands policy in the 1960's, an estimated 8 million South African blacks have been rendered aliens in the Republic of South Africa by virtue of what the Government characterizes as their "citizenship" in one of the so-called "independent" homelands (Transkei, Ciskei, Bophuthatswana, and Venda). They are subject to the same travel and residence restrictions in "white" South Africa as any alien.

Until 1986 the right of black South African citizens to reside in urban areas was severely restricted by a complex set of statutes and regulations known as "influx control" or "pass" laws. In April Parliament repealed these laws in favor of one requiring all South Africans to carry a uniform identity document. Since the passage of this law, black South African citizens are no longer required to carry government-issued "passes" in order to prove to law enforcement officers their

right to be present in an urban area. Some critics of the pass law system hailed this reform but expressed the fear that urban housing shortages, antisquatting laws, and sanctions against employees who hire "illegal aliens' from the four so-called "independent" homelands would amount to a de facto system of influx control. Since the repeal of the pass laws, the Government has reiterated that putative citizens of the homelands will continue to be treated as aliens and will be subject to the same laws. In 1986 Parliament also passed the Restoration of Citizenship Act, providing for "restoration" of South African citizenship to a limited class of blacks who were denationalized as a result of homeland "independence" grants--those with "permanent residence" rights in South Africa. The Minister of Home Affairs has said that this reform will apply only to an estimated 1.75 million blacks, rather than to the estimated 6 million persons many observers hoped it would benefit.

South Africans must possess valid travel documents in order to travel abroad or to emigrate legally. Except for banned persons, these documents generally are not difficult for whites to obtain. Blacks assigned to an "independent" homeland usually experience difficulty in obtaining South African passports as the Government takes the position that they are not citizens of South Africa. In some instances, this has the effect of deterring international travel as some blacks refuse to travel on a homeland passport, insisting that the Government recognize them as citizens of South Africa. In 1982 the South 1982 the South African Supreme Court ruled that a citizen's access to a South African passport is a privilege and not a right and that the Minister of Home Affairs has the absolute discretion to revoke a passport without giving any reasons for his action. The Government often refuses passports to black trade union officials and other persons whom it regards as radically critical of the status quo. In October it refused permission to Winnie Mandela, wife of ANC leader Nelson Mandela, and to Albertina Sisulu, co-President of the UDF, to travel to Mozambique for the funeral of President Samora Machel. In December it refused permission to human rights activist Helen Joseph to travel to the United States to receive a human rights award.

Until 1986 legal restrictions existed for Asians who wished to reside in or visit the Orange Free State and certain parts of Natal province. Parliament repealed these restrictions during its 1986 session.

Although South Africa is not a signatory to international conventions on refugees, the Government provides informal sanctuary to as many as 200,000 Mozambicans displaced by civil strife in their country. Relief assistance is provided by South African private and voluntary organizations, as well as by the International Committee of the Red Cross (ICRC), and the Government permits access by international observers to areas where these refugees are found. The number of South Africans who are officially registered as refugees in neighboring countries has not grown significantly since 1985 and remains approximately 22,000. The South African Council of Churches estimates the total number of South African exiles to be 250,000 or more.

SOUTH AFRICA

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The extent to which South African citizens have the right to change their government democratically depends on race. Until 1984 South Africa's national political institutions were reserved for whites only. Under the country's 1983 Constitution, implemented in late 1984, the right of political participation at the national level was extended on a limited basis to South Africa's colored and Asian citizens but continued to be denied to the black majority, who comprise 72 percent of the population. The new Constitution created a tricameral Parliament with separate chambers for whites, coloreds, and Asians. Officially registered political parties may operate as freely as the ruling National Party. The respective groups are represented in Parliament on a racial ratio of 4/2/1--white/colored/Asian. Members for each house are elected from separate, racially based voter rolls. Each house has primary responsibility for "own affairs" matters, i.e., legislation affecting its own racial constituency. The State President is empowered to decide arbitrarily which issues of general concern are to be treated by all three chambers. If efforts at consensus on general affairs matters fail, they are referred to the President's Council, a body composed of whites, coloreds, and Asians, for an advisory opinion. The ruling white National Party controls the President's Council. In June the colored and Asian houses of Parliament attempted to block security legislation passed by the white House of Assembly. This effort was vetoed by the President's Council, and the disputed security legislation became law.

The lines between "own affairs" and "general affairs" are not always precise. Matters that are usually considered general affairs include foreign policy, defense, national security, and black affairs. Education is normally dealt with as an "own affair" but is subject to general laws prescribing norms and standards for salaries, curriculum, and examinations. The terms of the new Constitution and the existence of a white majority in Parliament work to ensure control by the white House of Assembly over key general affairs. While there is a vigorous, outspoken opposition in the House of Assembly, the ruling National Party, which has controlled South African political affairs since its first parliamentary victory in 1948, dominates legislative affairs by sheer force of numbers. Within the National Party, viewpoints toward reform of the apartheid system range from moderate to reactionary. Internal differences are, in theory, resolved in party caucuses, but in practice the State President, who is also the National Party leader, resolves all disputes.

Political participation for blacks, who have no representation in Parliament, remains limited to a franchise in 1 of the 10 homelands to which all blacks are assigned through ethnic or linguistic identification, or in the case of urban blacks, to a franchise enabling one to vote for black local government officials. Assignments of blacks to homelands take place irrespective of the wishes of those assigned and without regard to the fact that they may not have been born, nor ever lived in, nor even visited, their putative homeland. When a homeland "requests" and is then granted "independence" by the South African Government, blacks assigned to that homeland lose their South African citizenship and receive the "citizenship" of the homeland. An estimated 8 million blacks have lost South African citizenship under this policy by South African legislation granting "independence" to four homelands:

Transkei (1976); Bophuthatswana (1977); Venda (1979); and Ciskei (1981). The South African Government stated in 1986 that it had no intention of abolishing the homelands system.

A fifth homeland--KwaNdebele--had been slated for "independence" in December 1986. In August the KwaNdebele legislative assembly, reacting to several months of political violence in the homeland and an evident groundswell of anti-independence sentiment among the homeland's inhabitants, rejected an earlier decision by the homeland's Chief Minister to accept independence. While the Minister of Constitutional Development and Planning publicly said that the Government would honor the wishes of the people of KwaNdebele, it was still not clear at the end of 1986 whether the South African Government would follow through with the grant of independence to KwaNdebele. On December 31, 1985, the Government formally proclaimed the excision of an area of the Lebowa homeland--the Moutse district--and its incorporation into KwaNdebele, despite opposition by the inhabitants of Moutse, who now constitute an ethnic minority in KwaNdebele.

An estimated 10 million blacks live in townships near white urban areas. The only voting rights they are able to exercise are those granted under the Community Councils Act of 1977 and the Black Local Authorities Act of 1982. The Black Local Authorities Act of 1982 elevated the status of black municipal authorities to that enjoyed by white municipal governments. It did nothing, however, about the critical problems of inadequate financial resources and the lack of political credibility faced by black local government. Much of the violence that took place in black townships in 1986 was directed at black town councils and councillors, who were viewed by many blacks as collaborators with the South African Government. In many areas, there were wholesale abdications of town councils due to community opposition, which often took the form of political violence.

In 1985 Parliament passed legislation to replace all-white provincial (state) councils with multiracial Regional Services Councils (RSC's), to include representatives of black, Asian, and colored local governments. The Government has experienced difficulty in drawing authentic black leaders into the RSC's. While characterized by the Government as a "devolution" of power to local bodies, the RSC's are widely regarded as not representing a meaningful shift towards greater democracy in local government.

In Natal province, the Indaba--a convention representing all racial groups and a wide range of social and political organizations--met for several months in 1986 to formulate a proposal for a new constitution for the province. The proposal, which was unveiled in late November, provided (among other provisions) for a bill of rights with firm constitutional guarantees of individual liberties. It also proposed a universal franchise and a bicameral legislature in which the larger chamber would be elected on a one-person, one-vote basis and the smaller chamber would represent specified ethnic groups with veto rights over certain affairs affecting them. The leader of the ruling National Party for Natal province publicly rejected the terms of the Indaba proposal, but the responsible cabinet minister had not formally commented on the proposal by the end of the year. The Indaba leaders were planning to present it formally to the Government for approval and hold a referendum among the people of Natal and the homeland of KwaZulu on the proposals.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The South African Government extends little or no cooperation to various United Nations bodies or private organizations attempting to investigate the Government's human rights record. In October reacting to a vote of an International Red Cross conference in Geneva to expel a South African delegation, the Government announced the expulsion of 16 Swiss delegates of the International Committee of the Red Cross (ICRC). In November, however, the Government reversed this decision and stated that ICRC representatives could remain in South Africa. The Government has permitted the ICRC access to convicted security offenders.

During 1986 the Government permitted an American Bar Association representative entry into the country to observe proceedings in the treason trial pending against 22 UDF and other black political organization leaders. The Government refused numerous requests by foreigners to interview Nelson Mandela but did allow members of the Commonwealth "Eminent Person's Group" to meet with Mandela on two occasions.

Many South African organizations observe, report, and contest human rights violations in the country. In addition to black political organizations, the Lawyers for Human Rights, the Black Sash, the Legal Resources Center, the South African Council of Churches, the DPSC, the End Conscription Campaign (ECC), the Center for Applied Legal Studies and other groups are actively involved in a wide range of human rights issues, and assist persons who are aggrieved by the apartheid and security laws. The annual report of the South African Institute of Race Relations is a key source on human rights questions in South Africa. In December 1986, the Government entered restriction orders against a number of Black Sash, DPSC, and ECC leaders, prohibiting them from engaging in certain types of political activity.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

As stressed throughout this report, South Africa's black majority and, to a somewhat lesser extent, the colored and Asian communities, suffer from pervasive, legally sanctioned discrimination based on race in political, economic, and social aspects of life. For example, government expenditures on education per student in the financial year 1983/84 were: whites, $744; Asians, $489; coloreds, $256; and blacks (exclusive of Transkei, Ciskei, Bophuthatswana and Venda), $105. In 1981 black pupil enrollment was just over 5 million in regular primary though high school grades. Only slightly more than 1 percent of enrollment was in the last grade of high school, illustrative of the high drop-out rate. Black enrollment at "white" universities has been growing slowly.

Political unrest which has swept many of the country's black and colored townships since late 1984 has taken the form of school boycotts in many areas. In some parts of the country, the Government has closed black schools. While black activist groups, in particular the National Education Crisis Committee, have sought to reconcile differences between black students and government educational authorities, political problems have exacerbated an already poor educational system for blacks.

SOUTH AFRICA

Women of all races in South Africa suffer varying degrees of legal, cultural, and economic discrimination, most of which is based on tradition rather than codified in law. Women traditionally earn lower wages than men and are generally underrepresented in the country's political and business establishment. No women presently serve as ministers in the Government. Two women serve as members of the State President's Council. Three of the 178 seats in the Parliament's white House of Assembly are held by women. The colored House of Representatives has two women members, and the Asian House of Delegates has one. Generally speaking, women have achieved more success in electoral politics at the local than at the national level.

Black women suffer not only from extensive legal handicaps and acts of discrimination that stem from South Africa's system of apartheid, but also from other legal disabilities based on sex. They are regarded by South African law as perpetual minors. Maternity benefits are not guaranteed under South African law, and a pregnant woman can be legally dismissed from her job. Against a backdrop of traditional sex and race discrimination, a fledgling women's rights movement has taken hold in South Africa. Women's organizations, often multiracial, have been at the forefront of the struggle against both race and sex discrimination.

CONDITIONS OF LABOR

Government figures show an increase in unemployment in 1986. Black unemployment is not measured directly, but private estimates of total black unemployment (including the homelands) are in the 25 to 30 percent range. In some areas, especially in the eastern Cape, black unemployment rates are dramatically higher, reaching over 50 percent.

The Labor Relations Act of 1956 provides a mechanism for negotiation between labor and management to set industry-by-industry minimum wage standards. At present, some 101 industries come under the provisions of the Act. There is no universal minimum wage in South Africa. The Occupational and Safety Act prohibits the employment of minors under the age of 16 in certain industries. On basic conditions of employment, the Act sets forth certain minimum standards for employment, including provisions for a standard workweek of 46 hours in most industries, as well as mandatory provisions for vacation and sick leave. The Machinery and Occupational Safety Act mandates minimum standards for the design and use of certain types of industrial machinery.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SOUTH AFRICA, REPUBLIC OF

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	0.0	0.0	14.3
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	14.3
A.AID	0.0	0.0	14.3
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	14.3
(SEC.SUPP.ASSIST.)...	0.0	0.0	13.8
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.0	0.0	14.3
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	14.3
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	0.0	0.0	0.0	242.3
IBRD	0.0	0.0	0.0	241.8
IFC	0.0	0.0	0.0	0.0
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.0	0.0	0.0	0.0
OTHER-UN	0.0	0.0	0.0	0.5
EEC	0.0	0.0	0.0	0.0

NAMIBIA

Formerly German South West Africa, Namibia has been ruled by the Republic of South Africa since 1915. The United Nations lifted South Africa's 1920 League of Nations mandate in 1966. However, South Africa refused to relinquish its possession and has ignored a 1971 advisory opinion of the International Court of Justice upholding U.N. authority over Namibia and calling for South Africa's immediate withdrawal. In 1978 the United States, United Kingdom, France, Federal Republic of Germany, and Canada drafted a proposal for Namibian independence agreed to in talks with South Africa, the South West Africa People's Organization (SWAPO), and the neighboring states (known as the "Front Line States"). This proposal was adopted by the United Nations Security Council as Resolution 435 (UNSCR 435). It calls for the cessation of all hostilities, the phased withdrawal of South African forces, and free elections under U.N. supervision. South Africa has since said that it will not implement Resolution 435 without a satisfactory commitment by the Angolan Government on the parallel withdrawal of Cuban forces from Angola. In November 1984, the Angolans made a formal proposal on the numbers and timing of Cuban troop withdrawal. South Africa responded with its own proposals, including subsequently a proposed August 1, 1986, "date-certain" for the implementation of UNSCR 435 if a Cuban troop withdrawal agreement could be reached by that date. The date passed without an agreement. The United States is committed to the U.N. plan and has been playing a mediating role in negotiations between South Africa and Angola.

A South African Government proclamation in June 1985 gave ostensible autonomy over internal affairs to a group of internal political parties, known as the Multiparty Conference (MPC). The MPC formed a "Transitional Government of National Unity," more widely known as the "Transitional Government" (TG). A number of parties opposed to South African rule refused to join the MPC and the TG. Among these parties was SWAPO, which is waging a guerrilla war against South African rule from outside the country but is still allowed to operate as a political party in Namibia, despite harassment by the authorities. A number of other parties, including a major part of the South West Africa National Union (SWANU), the oldest nonviolent opposition group, also refused to join the MPC. A South African-appointed Administrator General still sits in Windhoek but with reduced powers, and South Africa retains direct responsibility for defense, foreign affairs, and the constitutional status of Namibia. The United States and the rest of the international community do not recognize the TG and hold the Republic of South Africa responsible for the actions of the Namibian authorities it has appointed.

A majority (60 percent) of the population of 1.2 million Namibians live by subsistence agriculture. The modern economy relies on mining, ranching, and fishing. A weak and unstable market for minerals, 6 years of drought only broken in 1984-85, and overfishing by some foreign concerns, particularly from the Soviet bloc, have caused a lingering recession. Uncertainty about Namibia's political future has discouraged potential foreign investment. Tourism potential is one of the few bright spots

on the economic horizon. Meanwhile, the South African Government provides over $500,000 a day in direct aid to Namibia.

Most reports of human rights violations by government authorities or SWAPO involved actions taken in the war zone in northern Namibia since 1966 when SWAPO first turned to violence. Sporadic incidents of violence plague the entire country, but most of the fighting takes place near Namibia's border with Angola, especially in the Ovamboland region. The Ovambo ethnic group comprises approximately 50 percent of Namibia's population and provides the main support for SWAPO. In recent years, the combat has been conducted by small groups belonging to SWAPO's military branch, the People's Liberation Army of Namibia (PLAN). SWAPO mounts an annual rainy season infiltration of northern Namibia from bases in Angola to carry out sabotage missions. The South African defense force (SADF) and the South West African Territorial Force (SWATF) attempt to root out the SWAPO teams and on a regular basis in 1986 conducted "hot pursuit" operations across the border into Angola. Years of effective South African military operations in both Namibia and Angola have significantly weakened SWAPO, and guerrilla infiltration of Namibia dropped off in 1986. Government forces claimed to have killed over 645 SWAPO combatants by the end of 1986.

In 1986 there were a number of civilian deaths attributed to both government security forces and to SWAPO, including some caused by mines or bombs reportedly planted by SWAPO in public places. In addition, there was a continuation of arbitrary government detention without access to counsel or visits by family members and of torture and other abuses by security forces. There are also restrictions on freedom of assembly and freedom of the press. A number of prisoners were released in 1986.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Namibia is an arena of guerrilla conflict, and there have been a number of deaths due to terrorist bombings. Post offices, schools, and other government buildings in the north are heavily barricaded and patrolled. SWAPO guerrillas have reportedly murdered some Ovambo civilians, apparently in an attempt to intimidate others from cooperating with the South African Government. SWAPO denied responsibility for the bombing of a Walvis Bay meat market in July which killed five persons, countering that the market is an implausible SWAPO target because it was frequented by blacks; SWAPO sympathizers claimed that government or government-backed groups were responsible in an effort to discredit SWAPO.

The SADF and SWATF and the police have themselves been accused of killing captured SWAPO guerrillas. Military officials state that very few SWAPO guerrillas are captured, but they attribute this to the nature of the fighting and SWAPO's orders to its guerrillas not to be taken captive. Defense officials insist that they investigate all charges of murder. They also assert that the murders they have confirmed are acts of indiscipline and not policy. Critics contend that the

SADF/SWATF sometimes take no action after being informed of instances of misconduct. In a highly publicized incident, charges against four members of government security forces accused of beating a civilian to death were dropped under direct orders from South African President Botha (see Section 1.c.). The Government did prosecute several other security force members for brutality and sentenced several to prison, including a SADF soldier in January who received 6 years in prison for raping an Ovambo woman.

Some clergymen and human rights activists have accused the police paramilitary unit previously known as "Koevoet" (Crowbar) of numerous atrocities including murder. The name "Koevoet" was dropped in mid-1985 when the unit came under the authority of the South West Africa police, reporting to the TG. The South African Government has on occasion agreed to pay damages, along with legal costs, to settle claims of alleged unlawful killings and assaults by Koevoet. Criminal prosecutions, for which a higher standard of proof is required, have been much rarer.

A SWAPO member and former Robben Island prisoner, Immanuel Shifidi, was killed on November 30 when outsiders violently disrupted a peaceful SWAPO rally. There were credible allegations that some out-of-uniform members of a government security unit were among the outsiders. The police denied responsibility and began an investigation of the incident. Earlier the same week, security force officials accused SWAPO of murdering a church official. SWAPO denied the charges.

b. Disappearance

The security forces are not obliged to notify anyone when a person is detained and often hold detainees incommunicado for extended periods of time. They are sometimes accused of ignoring requests for information from family members and friends of those who have been detained. As a result, some Namibians have "disappeared" only to turn up later in detention cells.

SWAPO reportedly uses abductions to win recruits, although SWAPO officials contend that all its recruits join voluntarily. SWAPO allegedly abducted 17 Ovambo school children in September for this purpose. This may have marked a revival of a tactic dropped years ago because of the negative publicity which resulted. Government security forces pursued the alleged kidnapers into Angola and claimed SWAPO was forced to release the youths. A SADF officer said smaller scale SWAPO abductions remain a common feature of life in Ovamboland.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

In 1986 political leaders, clergymen, and others regularly made detailed allegations that the police and security forces engaged in brutal treatment against civilians, both in and out of detention, including the use of solitary confinement and beatings. Several of these allegations have been confirmed. Government officials admitted using force to interrogate suspected SWAPO supporters whom they suspected of planting mines or bombs.

The most notable case was that of Frans Uapota, allegedly beaten to death by four SADF soldiers in November 1985. The Transitional Government charged the four with murder, but South African President Botha intervened in June and certified under the Defense Act that the four had acted "in good faith." The TG, which claimed it was bound by Botha's order to withdraw the charges, subsequently asked not to be associated with such actions in the future. However, some legal observers claimed the TG did not have to comply with Botha's instruction. The South West African Bar Council condemned the dismissal of the Uapota case as a "coverup."

Security forces also beat two boys during interrogation. The mother of one of the boys has sued South Africa's Defense Minister over the alleged brutality. In one case, the soldiers were fined; there was no known prosecution in the other case. Security officials point to these court cases as proof that claims are investigated and, if valid, pursued in legal channels.

In April a parents' group in Namibia and neighboring countries protested SWAPO forced conscriptions of their children as well as incarceration, torture, and killings. The group also protested the use of "psychological terror by the SWAPO Military Police comparable to Koevoet" and the repeated abuse of young girls and women in SWAPO camps. SWAPO denied the allegations.

d. Arbitrary Arrest, Detention, or Exile

Two key articles of security legislation, enacted into law via proclamations by the Administrator General (AG 9 and AG 26), give security forces broad detention power. AG 9 of 1977 constitutes the legal basis for most detentions and permits 30-day detentions without charge or access to counsel of anyone deemed to have committed an offense, to be planning an offense, or to have knowledge of an offense. However, the Windhoek Supreme Court ruled in February that persons detained under AG 9 were entitled to have access to attorneys. Originally, AG 9 applied only to the far northern areas of Namibia. However, since 1979 the "security districts" have been extended south, and now more than 80 percent of the population are subject to AG 9.

In a report released in October 1986, the Van Dyk Commission, created in 1983 to study changes in security legislation, indicated that between 1977 and 1983 there were no prosecutions under AG 9, and that 80 percent of the detained were released within the 30-day limit. The report stated that security police had detained 2,624 people under AG 9 between 1977 and the end of 1983, releasing 2,415 of these uncharged within the 30-day limit and another 157 before charges were referred to the Attorney General. The police detained 155 people between January 1984 and April 1985. The defense forces (SADF AND SWAFT) detained 2,893 people between 1977 and the end of 1983. The defense forces detained 407 people between January 1984 and April 1985. Although the number of persons in detention at any one time fluctuates considerably, it was estimated that approximately eight persons were in detention under AG 9 at the end of 1986.

In security cases, AG 26 allows detention for 180 days without trial, under authorization from the Cabinet (previously from the Administrator General). AG 26 provides several guarantees

not provided by AG 9. It states that detainees are entitled to a copy of the arrest warrant and to reasons for the arrest in writing. It further stipulates that detainees are entitled to visits by medical practitioners and magistrates. AG 26 provides for a Review Committee, but the Cabinet is not required to follow Review Committee recommendations. The record in enforcing AG 26 is mixed. Persons detained under AG 26 are rarely aware of their rights and even more rarely have access to competent legal counsel. However, in at least three cases taken up by attorneys, legal action or the threat of such action won releases. The Government amnestied several SWAPO members held under AG 26 in March 1986. The TG said there were 24 people being held without charge under AG 26 in June 1986, an apparent decline from earlier in the year. There were an estimated 21 persons in detention under AG 26 at the end of 1986.

Until mid-1985, Namibians detained under security legislation had no recourse to the courts. In various cases in 1985 and 1986, attorneys sought to gain legal access to their clients or have AG 26 and charges under other laws invalidated, arguing that they violated the Transitional Government's 1985 Bill of Fundamental Rights. These rights include one that guarantees "no one shall be detained for an indefinite period of time without a fair and proper trial by a court." In a 1985 case, the Windhoek Supreme Court found that the Cabinet had failed to show sufficient cause and ordered the prisoner's release. However, in February 1986, in State v. Angula, the Supreme Court denied an appeal of seven SWAPO members charged under the South African Suppression of Communism Act and the Terrorism Act. South African Government attorneys successfully argued that the bill of rights did not apply, since the TG had not yet devised and won approval for a new constitution.

The Windhoek Supreme Court, in what at the time was considered a potentially landmark decision, ruled in October 1986 that section 2(2) of the Terrorism Act was in conflict with the Bill of Rights and Proclamation 101, which created the TG. This decision, however, was struck down when South Africa's Bloemfontein Appeals Court, the highest Court of Appeal for Namibia, ruled in December that only laws passed after the TG's creation in June 1985 were subject to the Bill of Rights. This excludes all of the major security legislation, which accordingly still stands.

There is no forced labor in Namibia.

e. Denial of Fair Public Trial

In an October 1986 report, the Van Dyk Commission, created by the Administrator General to make recommendations on the "adequacy, fairness and efficacy of legislation pertaining to the internal security of the territory," recommended the consolidation of all security legislation within one proclamation. Among the Commission's other recommendations are the principle that a defendant is responsible for proving his or her innocence if the State can prove that the crime occurred and if the accused had some knowledge of it (not specifically that the accused committed the act). In such a case, the accused is considered guilty until he or she can demonstrate innocence "beyond a balance of probability." The State must also prove that the act was perpetrated with intent to subvert authority, promote constitutional or political

change, or demoralize or intimidate the public. The Government's legal authorities consider this stipulation central to prosecuting alleged "terrorists," because it is much more difficult to prove guilt under regular criminal codes which presume the innocence of the defendant. The Commission also recommended that residents of the "operational area" in the north be held liable to provide information on SWAPO activities. The TG's Justice Minister has not yet proposed formal revisions in security legislation to the National Assembly.

Some elements of the security forces, police and military, are seconded from South Africa and remain under Pretoria's ultimate jurisdiction. Thus, Namibians must seek recourse from the South African Government for alleged injustices. In one case, a Namibian sued South African Minister of Law and Order Louis Le Grange for unlawful arrest, wrongful detention, and maltreatment by the South African police. In March Le Grange agreed to pay approximately $15,000 and court costs to a Kavango shopkeeper. However, some observers say most alleged victims of wrongful detention or security force brutality do not press charges because of fear of increased government intimidation after they have given statements.

Most detainees are held without charges under AG 9 and AG 26. However, those few who are brought to trial can expect a hearing based on the legal merits of their case. They have access to legal counsel and can expect the charges against them to be clearly stated.

The judiciary (Supreme Court, magistrate courts) is independent of the executive (TG), but its authority is limited by TG and South African legislation and subject to the appellate function of South African courts. The Namibian judicial structure comprises two overlapping systems--one for whites, Westernized blacks, and coloreds, and another for the indigenous African people. In 1919 Roman-Dutch law was declared the common law of the territory.

f. Arbitrary interference with Privacy, Family, Home, or Correspondence.

Security legislation allows the security forces almost unlimited powers of search and seizure. In the operational area--the sectors along the northern border--invasion of homes is said to be routine. Cars are regularly stopped and searched when entering checkpoints to the northern region; they are also periodically stopped and scrutinized when entering or leaving government installations in the operational area.

Politically active Namibians regularly complain that the authorities keep them under surveillance. Security police, often disguised as businessmen, reportedly have offered money to activists' friends in return for information on their movements.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Namibian newspapers are subject to South African press laws, including the Internal Security Act of 1950. These laws limit reporting on certain matters such as military affairs and

prisons. In spite of this restriction, the Namibian press often contains lively and irreverent reporting, and its editorial writing regularly includes anti-South African and even pro-SWAPO comment. Newspapers have embarrassed the TG with disclosures of the salaries and perquisites provided to TG representatives. The installation of the TG, whose Bill of Fundamental Rights guarantees the freedom of expression, suggested a looser rein on the press. However, the Cabinet required a $9,000 deposit from the owners of the Namibian, a newspaper whose editorial slant is opposed to the Government and allegedly pro-SWAPO, before allowing them to publish the newspaper's inaugural edition on August 30, 1985. The newspaper's editor appealed to the court in September 1986 and won her case to have the deposit reduced. Only one other paper, the Observer, was required to make a similar deposit, which is presumably being refunded as well. All other papers had been required to deposit $9.

The Namibian has complained of regular harassment, including a fire in August 1986, break-ins, threatening phone calls, broken windows, and tire slashing.

Publications which are banned in South Africa are also banned in Namibia. Several SWAPO publications have been declared "undesirable." However, Windhoek book periodical retailers carry many publications which one would not find in South Africa. Censorship laws seem to be less stringently applied in Namibia than in South Africa.

b. Freedom of Peaceful Assembly and Association

All political parties must apply for permission to convene meetings. The Prohibition and Notification of Meetings Act of 1981 bars any political party from holding a public meeting of a certain size if that party advocates violence as a means of changing the status quo. Under this provision, the Government limited the political activities of the legal SWAPO party, restricting the size of public meetings to 20 persons or less.

The Windhoek Supreme Court ruled in July 1986 that, according to the TG's bill of rights, SWAPO could hold public meetings with prior approval because the court found that the group did not specifically advocate the overthrow of the Government by force. SWAPO subsequently held three public meetings, their first in 5 years. While the first two were undisturbed, the third meeting was violently interrupted by outsiders, some of whom were credibly alleged to be out-of-uniform members of a government security unit. The police then arrived and broke up the meeting by indiscriminately firing large amounts of tear gas, even at people fleeing the meeting or well away from the meeting site.

The Government banned a march planned by the Roman Catholic Church and various political opposition groups (the ban was overturned by the Supreme Court). On December 4, the TG prohibited meetings to commemorate the "old location" incident of 1959, when several people were killed during a forced removal in Windhoek. The meetings ban was imposed under the Riotous Assemblies Act of 1956. The Government also detained church officials, not for their religious activities but for their alleged political opposition. Several officials of the Lutheran church (the largest church in Namibia) were detained in May, although some were released the next month. At the end of 1986, the authorities were investigating the political

activities of the Council of Churches of Namibia (CCN), which is often seen as sympathetic to SWAPO. Both the CCN headquarters in Windhoek and a Lutheran church in Ovamboland were bombed in January (the CCN building being totally destroyed). The Government and SWAPO blamed each other for the bombings.

Both Pretoria and the TG restrict non-Namibians from speaking out on political issues within the territory. The TG has the authority to ban outsiders from entering Namibia to give speeches. It used this authority in 1986 to prohibit a speech by a member of the South African United Democratic Front. The law also bans right-wing groups--including the Conservative Party, the Herstigte National Party, and the far right Afrikaner Weerstandsbeweging from speaking on plans for Namibian independence. This subject is reserved for officials of the South African Government. The Government arrested South African black activist Saths Cooper in February before he addressed a meeting on the black consciousness movement and its lessons for Namibia. Cooper was arrested for violating an old law prohibiting the entry of Asian people into the country without a permit. After the charges against Cooper were dropped, the Government later replaced the law with one that requires an entry permit for all persons not born in Namibia or who do not work for the Government.

At least seven larger and several smaller labor unions are registered in Namibia, and all are nominally open to all races. However, only one has a sizable black membership: the Mineworkers Union of Namibia (MUN) based in Tsumeb. The Department of Civic Affairs reports that only the MUN and the Municipal Staff Association are functioning labor organizations. The MUN is represented in just one of the three mining firms, and neither union has been noticeably active. Migrant labor is a staple of the mining and fishing industries. Many of the migrant workers are Ovambos unwilling to risk being discharged and forced back to the operational area by loss of their income.

c. Freedom of Religion

Namibians enjoy complete freedom of religion. Almost all Namibians are Christians. The Lutheran Church has by far the largest share of adherents: the 1985 merger of two Lutheran branches formed the evangelical Lutheran Church, to which 7 out of 10 Namibians belong. The Catholic, Anglican, Methodist, and Dutch Reformed churches are also active. There is 1 synagogue, and there are approximately 20 Jewish families in Windhoek.

Most church officials are openly critical of South African and TG policies and complain they are regularly harassed and inconvenienced, e.g., by passport denials, by the authorities. The TG reportedly delayed one education aid project sponsored by the Namibian Council of Churches until the project was taken over by a secular group. South African Defense Force officials frequently argue that clerics are SWAPO sympathizers and supporters. The clerics have denied allegiance to SWAPO, stating only that they wished to see Namibia become truly independent. The military conscription system makes no provision for conscientious objectors.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The February 1985 order under the security districts proclamation states that no person may enter six northern and northeastern districts without first obtaining a permit issued by the police. The districts are Ovamboland, Kavangoland, Kaokoland, Eastern Caprivi, Bushmanland, and Hereroland East. Everyone must apply in person at a police station and fill out a form giving their reason for travel. Approval of such applications can take up to 2 weeks. Since the order was issued, several people have been denied permits. In at least one case, the police refused to give reasons for the denial. Two journalists were refused permission to travel to Kaokoland to cover a poaching trial against security officials.

Clerics in northern Namibia complain that these regulations greatly restrict their ability to attend to their congregations, particularly when they must travel from Ovamboland into Kavangoland. One church leader was offered a multiple-entry permit, but he rejected it as an illegitimate special privilege.

Though enforcement of the requirement that travelers present permits at roadway checkpoints leading into the northern sectors has reportedly grown lax, travelers without permits still risk being turned away. A dusk-to-dawn curfew in the operational area also restricts freedom of movement. Leaders of various churches petitioned the Supreme Court to end the curfew as being inconsistent with the Government's Bill of Rights. The Supreme Court rejected the petition December 5, and the curfew remains in force. In addition, the potential danger of land mines discourages travel on unpaved roads.

The authorities control travel beyond South Africa through denials of passports or "travel documents", which are required of Namibians seeking to journey overseas. Those persons deemed to be sympathetic to SWAPO or who are officially associated with SWAPO are usually given passports valid for only 1 year rather than the regular 5-year period. Gwen Lister, editor of the Namibian, and SWAPO Secretary-General Toivo Ja Toivo are two persons who have been given the more restricted passports. In some cases, individuals are refused passports altogether, as in the 1986 case of Roman Catholic Bishop Kameeta. All persons entering South Africa or Namibia must have a passport and visa unless they can prove to be South African or Namibian by law or descent.

In November 1985, the TG's appointed National Assembly passed a law requiring non-Namibians to apply for special permits if they wish to reside in Namibia for longer than 30 days. Three South Africans were deported in April 1986 under this "Residence of Certain Persons in South West Africa Regulation Act", which allows for the deportation of people who threaten the public order. The Act applies to all non-Namibians and those outside the Government and armed forces. However, the Windhoek Supreme Court ruled in November that the Residence of Certain Persons Act violated the Government's Bill of Fundamental Rights and thus was invalid. The TG has appealed the decision. Travel restrictions also allegedly occur at the local level. One of Namibia's 11 ethnic authorities, the Rehoboth Basters, reportedly jailed 24 Ovambos for being present in the Rehoboth area without residence permits. Such restrictions are illegal under the central Government's law.

NAMIBIA

There are approximately 80,000 Namibian refugees in other African countries.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government.

Namibians do not have the right to change their Government. Ruled by an Administrator General prior to June 17, 1985, they are now ruled by South Africa through the Transitional Government which they did not elect and which is not accountable to them. Theoretically the TG has full control over all government portfolios, excepting defense and foreign affairs, which the South African Government retains. The six parties of the TG divided the cabinet seats among themselves after sustained negotiations. No elections were held. The Cabinet enacts legislation through a National Assembly, whose members were appointed by the six parties.

In 1978 the prospect of independence led to the creation of a number of political parties seeking representation through the election mandated by United Nations resolution 435. At one time, some 47 political organizations existed, several of which had only a handful of members. In 1986 about a dozen political parties have credible structures and membership rolls. Six of these parties take part in the TG.

The TG inherited a complex three-tier administrative structure. The first-tier is the central government level. The second-tier authorities are separate ethnic governing bodies representing each of the 11 officially designated population groups. Third-tier authorities, such as municipal governments and village management boards, provide local services. The control of facilities such as schools, hospitals, and libraries by the ethnic second-tier authorities results in the best available facilities being reserved for whites, who enjoy a much higher tax base. The issue of whether to dismantle the second-tier structure or, if not, how to amend it, is the most divisive question facing the TG.

There is an informal plan, put forward in April 1986 by one of the TG parties, the Democratic Turnhalle Alliance (DTA), and another by two black-led parties, to replace the second-tier ethnic authorities with districts or provinces. The DTA plan calls for the formal division of the country into 19 districts, while the plan proposed by the South West African National Union (SWANU) and SWAPO-democrats of the TG divides the country into 6 provinces. The DTA plan also would provide for one-man, one-vote for a 60-member national assembly, and a 60-member senate. Throughout 1986 the Constitution Council continued to grapple with developing a draft constitution, which is due to be tabled in the National Assembly in early 1987. According to the rules under which it was created, a two-thirds vote in the Assembly will be required to approve a draft, if a consensus cannot be reached.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Administrator General and the TG generally permit critics of Namibia's human rights situation to visit Namibia. For example, the Namibian Council of Churches (NCC) occasionally sponsors visits of persons and groups critical of the internal situation. According to Amnesty International's 1986 Report,

the Administrator General, in response to 1985 allegations of torture, issued a three-page document which stated that military personnel had been warned against mistreatment of detainees and "unlawful acts of violence." The Namibia Communications Center, an ecumenical agency based in London, chronicles reported human rights abuses in Namibia. The International Society for Human Rights Conference in London in March included considerable criticism of SWAPO's human rights record.

The South African Government ordered officials of the International Committee of the Red Cross out of South Africa and Namibia in October 1986 in retaliation for the Red Cross Conference vote to expel the South African delegation from its conference in Geneva. However, this decision was rescinded in November.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Namibians are of diverse linguistic and ethnic origins. The principal groups are the Ovambo, whites, Damara, Herero, Okavango, Nama, colored (mixed race), East Caprivian, Bushmen, Rehoboth Baster, Kaokovelder, and Tswana. Namibia's population was estimated at 1.2 million in 1982 with Africans comprising almost 86 percent and the largest group, the Ovambo, constituting 51 percent of the total.

In 1977 Judge T. Marthinus Steyn used his tenure as Administrator General to ease apartheid in Namibia. Laws prohibiting interracial marriage and sexual relations were repealed, and laws restricting the movement of individuals based on race were abolished. Today integrated facilities are the rule. Most hotels and restaurants are officially open to all races. However, at least one Windhoek restaurant blatantly maintains a whites-only admission policy. Several others seem to use more subtle methods to discourage black and colored patrons. Poverty restricts most blacks and coloreds from moving out of their respective townships into the white neighborhoods of Windhoek. In December 1985, Namibia's libraries, including the Windhoek public library, which were operated by the second-tier administration for whites, were opened to all groups.

Namibia no longer has an equivalent of the South African Group Areas Act, which restricts areas of domicile by race, but economic factors keep the races largely divided. The TG is grappling, so far unsuccessfully, with devising an alternative to AG 8, the legislation which created 11 different ethnic second-tier authorities which provide for segregated education and other public services. Under the system, whites, who provide 90 percent of the country's tax revenues, pay only for the upkeep of white schools and services.

The Cabinet recommended that all schools be opened to all races in 1987, but two parties in the TG, the White National Party of South West Africa and the "colored" Rehoboth Free Democratic Party which control their own schools, opposed the move, and the plan has been shelved for the 1987 school year. President Botha reportedly told TG officials in October that they should not go ahead with wholesale desegregation of the schools but rather continue to recognize group, as opposed to individual, rights.

NAMIBIA

Women encounter considerable difficulties in both traditional and modern settings. Under traditional practice, a woman is usually the ward of her father or, when married, her husband. She is never independent. Women in the modern sector complain of discrimination in employment and in financial affairs. Women's groups have been formed generally under the auspices of the churches. Women are represented in the National Assembly, though not in the Cabinet. In 1985 the Council of Churches helped establish a women's organization, the Namibian Women's Voice (NWV), whose representatives traveled to Nairobi for the U.N. conference marking the end of the U.N. decade for women. In Nairobi these 18 women joined 18 Namibians in exile and sat together as a united delegation. The NWV has undertaken projects commemorating the role of women in Namibia's history.

CONDITIONS OF LABOR

There is no minimum wage in Namibia. The minimum working age is 15. Reliable information about the extent to which occupational health and safety standards are enforced in Namibia is not readily available.

SUDAN

The Transitional Military Government, which took power after the overthrow of the undemocratic regime of President Nimeiri in April 1985, presided over elections a year later as it had promised. Although rebel activity prevented elections in 37 southern districts (over half of the south's total), voting in the rest of the country was orderly, peaceful, and fair, the first free elections since 1968. The new coalition Government, consisting of six political parties and headed by Prime Minister Sadiq al-Mahdi, took office in May pledging to restore democracy and the basic rights of its citizens.

Despite this democratic achievement, the civil war in southern Sudan continued unabated. The rebel Sudan People's Liberation Movement/Army (SPLM/SPLA) has escalated military pressure on the central Government, calling for a new constitution, new elections, repeal of the Shari'a laws, and a more equitable division of political power between the north and the historically disadvantaged south. With shifting guerrilla tactics by the SPLA and the Government's arming of ethnic militias to combat the SPLA, law and order have broken down in large areas of the south. Bandits and cattle raiders operate openly alongside government and SPLA forces in southern Kordofan, eastern Equatoria, central Equatoria north of Juba, and along the border with Uganda.

Against this civil strife, and against a continuing burden of 1 million refugees, the economy continued its slide in 1986 with a further drop in export earnings, an inflation rate as high as 50 percent, high unemployment, and a large and growing ($10 billion) foreign debt. On the other hand, after 3 years of drought and famine, Sudan enjoyed its largest grain harvest ever. But the fighting in the south raised the spectre of starvation there, with hundreds of thousands at risk. After the SPLA shot down a civilian aircraft in August, killing all 63 people on board, further SPLA threats against air traffic in the south hindered international efforts to provide famine relief. In turn, the Government refused to allow relief shipments to civilians in rebel-held areas. Both sides used famine as a political weapon, while efforts to negotiate a peace accord reached a stalemate.

Sudan has made considerable progress toward restoring human rights since the Nimeiri regime was overthrown. The transitional Constitution of October 10, 1985 remains in effect. All political forces, including the SPLM, have indicated they look to a projected constitutional conference as their opportunity to establish a new, democratic constitution as the basis for Sudan's future. No statistics are available on abuses in the war zones, but the migration of people out of these areas and their chilling reports imply widespread disregard for human life and basic human rights by all parties active there.

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

During the election campaign in March and April, two southern candidates were murdered, Joseph Kabulu in eastern Equatoria and Morris Abal Servino in western Bahr al Ghazal. Investigations tend to point to political rivals, but no one has been brought to trial in either case.

SUDAN

Reports from a variety of sources suggest that in southern Kordofan ethnic violence and lawlessness increased during 1986. Dinka communities, for example, report raids in which Messariya Arab nomads burned houses, stole cattle, raped women, and abducted young people for use as slaves. Independent confirmation is difficult, but petitions and police reports from communities in the area show a serious breakdown of security. Stories of less serious incidents circulate about other areas in the south where armed militias have used their power against civilians. In the course of this increased lawlessness, there have been numerous casualties, both civilian and military. In late December, the Sudanese Government announced that its soldiers had shot dead 22 wounded SPLA captives. The Government tried to portray this as euthanasia, but it probably constitutes a contravention of international law.

b. Disappearance

There were no known abductions by Sudanese Government agencies, but the SPLA kidnaped a German relief worker in January, a Norwegian missionary in March, and two American nuns in July. All four were released unharmed. The SPLA has also been accused of abducting 41 Messariya Arab tribesmen in southern Kordofan in September, one of the nomadic groups which the Government has been arming.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

A major objective of the SPLA is the removal of the Shari'a laws. While they are still officially in force, the "hadd" punishments of the Islamic "September laws" of former President Nimeiri, including amputations and hanging, have not been applied since April 1985 when Nimeiri was overthrown. The Chief Justice and the Supreme Council (the five member body that serves as the Head of State) must both sign authorizations for "hadd" punishments. Neither the Council nor the transition Government signed any such authorizations. Flogging does occur, but less frequently and less severely than during the period prior to the 1985 change of government.

Cases of torture are rare, but police treatment of persons under arrest reportedly is sometimes brutal. One known case was reported from southern Kordofan where a Nuban Anglican priest, Father Jebrayil Tutu, was arrested by local authorities in Kadugli in May 1985 on suspicion of aiding the SPLA. Although formal charges were never brought against him, he was tortured under questioning: his hands were tied so tightly that he has lost their use, and his legs were bound to an exhaust pipe while he was left outside in the sun all day; he is still recovering from severe burns. In general, prison conditions are poor, due largely to Sudan's poverty, and local treatment of prisoners varies considerably, from shackling prisoners to allowing them to go home at night.

Little information is available on the treatment of prisoners of war in the southern conflict. Neither side admits to holding prisoners, although there was a rare publicized exchange in August outside the southern town of Wau. It is reportedly SPLA policy to induce prisoners to join the SPLA, plying them with propaganda about the movement. According to a variety of sources, the SPLA has generally released prisoners it takes. In the case of the highly publicized

kidnapings of expatriates, the SPLA eventually released them, and there were no reports of ill treatment. On the other hand, southerners claim that government troops torture SPLA captives or people suspected of being SPLA sympathizers in order to get information.

d. Arbitrary Arrest, Detention, or Exile

In 1986 the Government released or put on trial for specific charges the last of the political prisoners from the former Nimeiri regime and those detained under the transitional Government. On January 1, Independence Day, 119 prisoners were released nationwide. While the national record is commendable, the situation in the south has deteriorated.

The extent of arbitrary arrest in the south is not well documented, but such arrests are reportedly used at the local level in all three regions to control collusion with the rebel SPLA. In October Khartoum newspapers reported a list of 29 government officials detained in Malakal for allegedly sympathizing with the SPLA. Other sources confirm that persons on the list are being held without charge. Although some detainees have been permitted to see visitors, the exact number of detainees is not known; one estimate is more than 60. Similar detentions may also occur in other areas of the south, but the state of communications between north and south has been reduced to rumor and a few radio links. North of Malakal, there is no specific evidence of arbitrary arrest and detention.

Sudan's code of criminal procedure, modeled after British law, requires a warrant by a competent magistrate for arrest; arrests made at the scene of a crime must be followed by a statement of charges within a specific period of time. The accused must be informed of the charges against him and permitted legal counsel. Only certain capital offenses do not permit bail. However, Sudan's legal system includes measures under the state of emergency, still in effect although not enforced, which give wide powers of arrest and preventive detention to the Government. Technically, these could be invoked at any time.

There were no known cases of involuntary exile in 1986, nor of forced labor.

e. Denial of Fair Public Trial

The judicial process involves a police or magistrate investigation, a field report, an arrest warrant, the arrest, and a trial before a panel of three judges. Trials are public except in rare cases where the accused requests a closed trial, for example to avoid scandal. Defendants have the right to present evidence, speak on their own behalf, and to obtain legal representation. There are legal aid services for the poor, but their resources are limited; the Attorney General's office tries to apportion the aid to those facing serious charges who are most in need. A case may be appealed through the full series of courts from the magistrate level to the High Court of Appeals.

The appointment of judges is now made by a committee within the judiciary, generally considered independent of political forces. One case of a judge in Equatoria being dismissed in late 1985 by the regional administration for making political

judgments sympathetic to the SPLA was taken through the appeals process in 1986 on the grounds that the local government did not legally have the authority to dismiss the judge. Several Equatorian judges supported the case by going on strike from September 1985 to March 1986. The case was resolved by two of the striking judges being dismissed, the regional head of the court of appeals transferred to Malakal, and the judge who was originally dismissed being sent to serve in Khartoum's traffic court.

The trials of former Nimeiri officials continued in 1986, most notably the "Falasha" trial of Omer al Tayeb, Nimeiri's Vice President and head of his secret police, for participation in the airlift of Ethiopian Jews to Israel in 1985. These trials were technically conducted under Nimeiri's National Security Act (1973), which permits special courts for security offenses. However, the transitional Government chose to press criminal charges and the procedures have followed those of the standard courts. Omer al Tayeb was sentenced to 20 years in prison and fined for abuse of power, intimidation, blackmail, agitation, and bribery. For the Falasha airlift itself, al Tayeb received two sentences of life imprisonment for ordering state security to work for a foreign power and for endangering the independence of Sudan, and a fine equivalent to $6 million for obtaining wealth illegally.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There were no complaints of governmental interference with the privacy of ordinary Sudanese citizens. Refugees, however, have been rounded up in Khartoum and either detained or fined for not having their documents with them.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government actively affirms freedom of speech and the press, although there are still restrictions on freedom of assembly (see Section 2.b.). During the first free election campaign in 17 years in April 1986, there was widespread expression of opinion by over 40 political parties and a still-growing number of independent and party newspapers. The Government closed its two major daily newspapers in August while debating whether it should own newspapers in a democratic society.

The transitional Government approved new regulations to ensure the independence from strict government control, of Sudan Radio and Television Corporation and the Sudan News Agency. The new Government has not implemented these regulations, but apparently the Sudanese News Agency (SUNA), Sudan Radio, and Sudan Television have attempted to be nonpartisan, independent, and neutral.

Subtle curbs, however, do exist on freedom of expression. After the August incident in which the SPLA shot down a civilian airliner, the Prime Minister went on record saying that further contact with the SPLA would be considered treasonous, as would publications sympathetic to the SPLA. An article by a professor at the University of Khartoum was subsequently rejected by a major daily newspaper on that ground. Several editions of the southern newspaper Nile Star

published in Equatoria have been destroyed by local officials to prevent its distribution. Elsewhere in the south, pressure comes from military and government officials to silence opposition opinion.

Due to the escalation of war in the south, the Government has taken over the private radio of the Sudan Council of Churches (SCC) in Malakal and Wau and other radio links to Khartoum. In Wau, the SCC radio is released for SCC use in the morning but commandeered by the Government for the rest of the day. In Malakal, local security officials control the radio, although they have permitted SCC to use it in their presence.

For lack of money, the Sudanese Government has dropped subscriptions to all Western news services, except for Agence France Presse.

b. Freedom of Peaceful Assembly and Association

Sudan's new democratic Government has not yet lifted the state of emergency declared by ex-President Nimeiri, giving the Government wide control over public assembly. Although the Government has refrained from invoking most emergency powers, permits are required for large political meetings and demonstrations. Permits have been denied for some potentially controversial events such as anti-SPLA marches or demonstrations by radical university students.

The transitional Constitution of 1985, still in effect, guarantees the rights of workers to organize and bargain collectively. The primary labor organizations are the Sudanese Workers Trade Union Federation (SWTUF), the Sudanese Federation of Employees Trade Unions (SFETU), and the Trade Unions Alliance, representing respectively blue collar, nonprofessional white collar, and professional white collar unions. Trade unions from all parts of the country are represented in these federations. The Sudanese labor union movement played an active role in the overthrow of Nimeiri in 1985 and the formation of the transitional Government leading to elections in 1986. The SWTUF continues to participate in both regional and international labor activities.

Strikes are legal except within the judiciary, the armed forces, and police, and they have been held without repression. Some have been declared "illegal strikes" when the process of negotiations and arbitration was not allowed to run its course before the strike (legal only as a measure of last resort) was called.

c. Freedom of Religion

Islam predominates in the northern two-thirds of Sudan, while traditional African religions and Christianity are the major beliefs in the south. Small Christian (Coptic, Greek, Syrian, Armenian) and minuscule Jewish communities exist in the north, primarily in Khartoum. Non-Muslim southerners have migrated to northern cities in increasing numbers in search of work or to escape the famine in the south, swelling the congregations of the Roman Catholic and Protestant churches there. Both Islam and Christianity are recognized as religions of Sudan, but adherents to other religious beliefs are not legally restricted.

The current coalition partners of the Government, the Umma Party and the Democratic Unionist Party (DUP), are based in the Ansar and Khatmiyya Islamic orders respectively. The opposition National Islamic Front (NIF) is composed of fundamentalist Muslims. The transitional Constitution now in effect retains Islamic law and custom as the main source of legislation, and most southerners oppose it as inherently discriminatory against them. A perennial major issue of debate in the Constituent Assembly remains proposed amendments to the Constitution which redefine but retain Islamic law as its basis. The NIF advocates retaining strict Islamic law, while the Umma and DUP may accept some recognition of Christianity and other religions as sources of legislation in addition to Islam. Southern deputies and the SPLM advocate return to a secular constitution.

While both Muslim and Christian missionaries are active in Sudan, Christians claim that they may not preach to Muslims; three people were reportedly arrested in Dongola, northern Sudan, this year for doing so. Christian denominations have not been granted building permits for new churches for many years in contrast to the numerous mosques being constructed in both the north and the south. Although their congregations are growing rapidly, the Khartoum Christian churches have been confined to the buildings constructed during colonial times or to preaching outdoors, which requires an assembly permit. Christian groups have also had difficulty obtaining required permits for conducting relief work among displaced southerners in the northern cities.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement within Sudan has been effectively restricted by the expansion of the war in the south. The SPLA's shooting down of a civilian airliner in August halted traffic to southern airports for 2 months. Continuing SPLA threats to shoot down either civilian or military planes inhibited the airlift of relief supplies to the cities in risk of starvation, particularly Wau and Malakal. Rail and river transport were halted, and road transport severely affected, by rebel activity in most areas of the south.

Thousands of southerners have begun fleeing north to escape the war. Their resettlement in northern towns has not been restricted, but provisions exist which could be invoked at any time for moving destitutes out of the cities and removing shanty towns.

Sudan has welcomed approximately 1 million refugees and drought victims from Ethiopia, Uganda, and Chad, but they face increasing resentment from local populations which have few resources to share with them. For refugees, movement within Sudan requires specific documentation. It is becoming more difficult for Ethiopian refugees to leave the eastern settlements to work in the cities. Technically, in order to travel they must first obtain a work permit which is given for holding a specific job, not for finding work. Recently policies have been proposed for forced resettlement of refugees in rural areas and for the resettlement of Ugandan refugees away from the border.

Over 500 Ethiopian refugees were expelled by Sudanese Refugee Commission officials in July. They were returned to the

Ethiopian border after they were refused refugee status in Sudan. United Nations High Commissioner for Refugees officials were only informed of these involuntary repatriations after the fact.

Sudan requires exit visas for anyone leaving the country. This requirement can be used to restrict individuals from foreign travel: for example, unmarried women cannot travel alone and must be accompanied by a family member or other sponsor. Exceptions are possible but are infrequently granted.

Section 3 Respect for Political Rights: the Right of Citizens to Change Their Government

Sudan held free and fair elections in April 1986 for the first time since 1968. A broad spectrum of parties participated in these elections ranging from the Communists to the fundamentalist National Islamic Front (NIF), and many parties in the political center. A coalition Government formed in May includes the Umma, Democratic Unionist Party (DUP), and four small southern parties, with the NIF and the communists in the opposition. A five-member Supreme Council, with two Umma, two DUP, and one southern member, constitutes the collective Head of State. Division of power among the Constituent Assembly, the Council of Ministers, and the Supreme Council is broadly based on the transitional Constitution; but specific areas of authority have been gradually defined in practice, with the Council of Ministers, particularly the Prime Minister, controlling key decisions such as economic, defense, and foreign policy.

Thirty-seven of 68 seats representing southern constituencies (of a national total of 301) remain unfilled in the National Assembly. Elections were not conducted in those districts due to security concerns related to the war. Even in the southern districts where elections did take place, the number of voters was small in relation to the population; southerners are thus heavily underrepresented in the current Government.

There are only two women deputies in the National Assembly, and there are no women serving in the Cabinet or in other high office. There is one woman judge on the Court of Appeals. Women and men did have equal voting rights in the April elections.

A national constitutional conference has been under discussion since the time of the transitional Government. The newly elected Government created a special ministry to oversee the convening of this conference, but no fixed date or arrangements have been set. Sudanese of different parties hold different views of the conference. Some see it as a forum for peace negotiations with the SPLM; others as a more technical body to draft specific articles for a new constitution. Most charge the conference with establishing the basis of Sudan's government, whether it should have a federal system, the status of Islamic law, and resolving other central issues of national debate. One of the key issues will be regional autonomy. It was a 1983 decree by Nimeiri dividing the south into three regions, thereby abrogating the 1972 Addis Ababa accords, that greatly revived southern opposition and military insurgency. Until these issues are resolved, Sudan will continue under the transitional

Constitution, which contains a certain ambiguity about the division of duties within the national Government and between the national Government and the regions.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The new democratic Government of Sudan has advocated a return to observance of human rights after the autocratic rule of Nimeiri. The Government has been receptive to investigations by international human rights organizations including Amnesty International, The International Commission of Jurists, and the Arab Human Rights Organization. Sudan ratified the Organization of African Unity Human and Peoples' Rights Charter in March 1986. Khartoum was the site of the Arab Bar Association's conference on human rights in the Arab world in December 1986 in recognition of the role played by the Sudanese people in toppling authoritarian rule.

Sudan's Human Rights Organization, founded in 1985, has a growing membership under the direction of an executive committee and a trusteeship council of lawyers and academics, and has received grants from abroad. Its campaigns have concentrated on international issues, specifically a campaign for the release of Nelson Mandela and another for the release of Somali prisoners. There is debate within the organization over the utility and timing of future campaigns for local human rights issues, particularly in the south.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Sudan's population of 21.1 million (1984) is composed of two distinct cultures--Arab and black African. (There are also small communities of Greeks, Armenians, Syrians, and Copts.) Sudanese, especially those in the periphery, recognize and resent the Government's emphasis on central and northern Sudan, where the population is most fully Arabized. Historically, all of Sudan's governments have featured political and economic domination by northern Muslims (approximately 13 million), and, within this group, of a few prominent families. Two of these families lead the Umma and Democratic Unionist parties which form the core of the current coalition Government. Non-Arab and non-Muslim groups in the ethnically diverse south and among the Nuba of the Kordofan Mountains and partially Arabized Muslim groups, such as the Fur in the west and the Beja in the east, have begun mobilizing to demand a greater share of the nation's economic development and political power.

Southerners coming north looking for work or to escape the war face social discrimination by the Muslim Arab majority. Rents may be artificially raised to keep southerners or refugees from residing in certain areas. Southern students, unable to attend schools in the war zones, have had difficulty finding places in the northern schools. This is partly due to overcrowded conditions, but some of those who were placed in secondary schools left voluntarily because they were so badly treated by the local population.

While men and women retain traditionally segregated roles within Sudanese society, a few women play an active role in the professions, the press, and higher education, and they

attend national and international forums. Separate educational facilities for males and females are the rule, however. Female circumcision, although illegal, is widely practiced throughout northern Sudan. Efforts to eradicate it have failed so far, despite significant concern among educated women.

CONDITIONS OF LABOR

In the modern sector, Sudanese labor law and practice embrace international standards. The workweek is limited to 6 days and 48 hours, with a full 24-hour rest period. Custom grants an extra month's pay for each year's labor, as well as allowances for transportation and sometimes for housing. Prescribed minimum wages for blue collar workers are $32 per month and for white collar workers $96 per month. Annual raises must be a minimum of 5 percent of annual salary. The salary scale for industries sets a higher minimum wage than that for government workers. Under Sudanese law, the minimum age for workers is 16. All workers, including domestic servants, enjoy paid annual holidays prescribed by law. Sudanese labor law also prescribes health and safety standards, but in a country where the general standards are so low, conditions are poor and enforcement of standards is virtually nonexistent. Many Sudanese youth are self-employed or employed in family enterprises.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SUDAN

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	197.5	303.6	71.2
LOANS.....	50.0	64.5	0.0
GRANTS.....	147.5	239.1	71.2
A.AID	146.3	149.3	71.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	146.3	149.3	71.2
(SEC.SUPP.ASSIST.)...	120.0	114.0	10.0
B.FOOD FOR PEACE.....	51.1	154.3	0.0
LOANS.....	50.0	64.5	0.0
GRANTS.....	1.1	89.8	0.0
TITLE I-TOTAL.....	50.0	64.5	0.0
REPAY. IN $-LOANS.....	50.0	64.5	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	1.1	89.8	0.0
E.RELIEF.EC.DEV & WFP.	1.1	89.4	0.0
VOL.RELIEF AGENCY.....	0.0	0.4	0.0
C.OTHER ECON. ASSIST...	0.1	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.0	0.0
PEACE CORPS.....	0.1	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	46.5	46.4	17.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	46.5	46.4	17.0
A.MAP GRANTS.....	45.0	45.0	16.1
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	1.5	1.4	0.9
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	244.0	350.0	88.2
LOANS.....	50.0	64.5	0.0
GRANTS.....	194.0	285.5	88.2
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-85
TOTAL.....	92.9	76.9	62.6	1411.1
IBRD	0.0	0.0	0.0	159.2
IFC	0.0	0.0	0.0	33.2
IDA	91.4	37.5	62.6	972.4
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	38.1	0.0	116.9
UNDP	1.5	1.3	0.0	85.5
OTHER-UN	0.0	0.0	0.0	43.9
EEC	0.0	0.0	0.0	0.0

SWAZILAND

Swaziland is populated almost entirely by ethnic Swazis and governed as a modified traditional monarchy. The King rules in conjunction with the Queen Mother and is advised by traditional figures and the ministers of the Cabinet. Following King Sobhuza's death in 1982, there were disputes within the royal family which resulted in the replacement of the Prime Minister and the Queen Regent. The interregnum ended with the accession of Mswati III on April 25, 1986.

Swaziland's Government features both "modern" and "traditional" branches--a cabinet, parliament, and courts which follow Western law, and a tribal hierarchy with "national" courts which follow Swazi law and custom. The Cabinet is appointed by and is responsible to the Monarch. The 1968 constitution containing a bill of rights was repealed by King Sobhuza II in 1973 on the grounds that it introduced political practices which were incompatible with the Swazi tradition of decisionmaking by consensus. Parliament reopened in 1979 with some members chosen through an indirect process, but the King remained vested with executive authority.

National defense is provided by the Umbufto Swaziland Defense Force, consisting of fewer than 3,000 troops. The Royal Swazi Police is the primary internal security force. These forces are not able to cope with the spillover from the growing southern African regional conflict. Both African National Congress (ANC) militants and South African security forces created difficulties in 1986, the former attempting to use Swaziland as a base, the latter entering Swaziland to attack the ANC.

Swaziland has an open market economy with large export firms that are frequently foreign owned. The Government encourages the growth of a modern, free economic sector which tends to reward initiative on a nondiscriminatory basis. Traditional, subsistence farming employs about 80 percent of the population.

Human rights are generally respected in Swaziland. Although Swazi custom discourages public dissent against the Government, the crown's authority is limited by a complex system of traditional rights and responsibilities. The peaceful transfer of power represented by the King's accession, the release of the last political prisoners at the end of 1985, and the scrupulously conducted trials of two previously powerful figures in 1986 were positive developments.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports or allegations of political killings by agents of the Government. However, there were several incidents perpetrated by South African forces entering Swaziland illegally in June and December and striking at alleged ANC targets. On December 12, raiders from South Africa entered the country in apparent pursuit of ANC elements. In the process, they seized one man (subsequently returned with informal apologies) and shot his teenaged son. They also seized four other people; one was reported killed in the operation, two (Swiss nationals) were returned to

Swaziland, and one reportedly remains in South African custody. Such illegal entry by South African forces is beyond the ability of Swaziland's small security forces to control.

b. Disappearance

There was one report of a disappearance. On June 26, a rural police station holding an ANC activist, Sidney Msibi, was raided by a group reportedly coming from South Africa. Msibi was apparently taken into South Africa, and there has been no further report of him.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is, as a rule, not practiced in Swaziland. However, there were some reports of police threats and beatings in the handling of common criminals and suspects. Defendants often charge that confessions have been extorted by the police, especially in trials dealing with ritual murder. These charges by the defense are sometimes found to be substantiated by the judges. Caning is occasionally administered to youths involved in either petty or violent crimes. Prisons are often overcrowded and unsanitary with low nutritional standards for the prisoners, a condition which probably reflects the country's economic limitations rather than any intent to inflict punishment. Prisoners are allowed visits from family members, and the main prison includes facilities for teaching manual trades.

d. Arbitrary Arrest, Detention, or Exile

Swazi law requires warrants for arrests in all but certain exceptional circumstances. These exceptions, however, are poorly defined and, in practice, police who have strong suspicions about a suspect do not normally seek a warrant. The police are allowed to hold a person for a "reasonable time" without charge. In some cases, this has led to persons being detained without charge for up to several weeks. Such detainees are allowed to consult with a lawyer of their own choosing, though some attorneys have had difficulty gaining access. Provision for bail exists.

A 1978 detention law permits the Government to detain any person without charge for renewable periods of 60 days; this law is not often invoked, but has been used to detain political prisoners without charge, most recently in 1985. Detention under this law is not subject to appeal to the courts, though it may be appealed directly to the Monarch. In some instances, detainees have been held incommunicado under this law. There was no evidence of political detainees being deliberately held without charge in 1986.

Forced labor does not exist in Swaziland.

e. Denial of Fair Public Trial

The right to a fair public trial is provided for by law and is honored in practice, although the court president can order a trial to be held in camera in certain (e.g., rape) cases. The Prime Minister can also require that a trial be held in private, but this is very rare and has not been done for several years. The modern judiciary consists of a Court of Appeals, a High Court, and various subordinate magistrates'

courts and is independent of executive and military control. Many members of the judiciary are not Swazis but are appointed from the bars of other countries with compatible legal systems. The Chief Justice, for example, is currently an Englishman. In magistrates' courts, the defendant is entitled to counsel at his own expense. Court-appointed counsel is provided in capital cases or where difficult points of law are at issue. There are well defined appeal procedures up to the Court of Appeals, the highest judicial body.

The right of appeal, which normally applies in criminal/civil cases, is not guaranteed to persons held under the 1978 detention law or to those persons charged with sedition. Although legislation passed in 1983 would allow sedition cases to be held in camera, no one has yet been tried under that measure. Since the release of five prisoners in December 1985, there have been no political prisoners in Swaziland.

In traditional courts, where ethnic Swazis may be brought for relatively minor offenses and violations of Swazi traditional laws or customs, legal counsel is not allowed, but defendants may speak in their own behalf. Swazi traditional law has not been formally codified. Both offenses and punishments are limited, and findings are subject to a review system and appeal to the High Court and Court of Appeals. Accused persons who desire counsel can insist that their case be transferred from the traditional courts.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Swazi custom places a high value on home and family. In general, Swazi law requires a warrant issued by a magistrate before police may search homes or other premises. However, senior police officers are permitted to search for evidence without a warrant if the suspected crime is of a serious nature. This exception is frequently used. There is no evidence that the Government censors correspondence or commits other violations of the sanctity of the home. Nor are there efforts by the State to intrude into the private beliefs of the individual.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech is limited. The Prime Minister and other officials have repeatedly directed that Swazis critical of the Government express their views only to their chiefs for discussion in traditional Swazi councils. Academic freedom does not extend to permitting direct attacks on government figures or policy. Antigovernment demonstrations or leaflets are regarded as seditious. Swazi radio and television stations are government controlled, and there is also a semiofficial newspaper. Private companies publish several newspapers and magazines. The media, both government-controlled and private, practice self-censorship, refraining from critical comment on government activities or on controversial issues involving the royal family. On several occasions in 1986, editors were directly cautioned by officials to avoid certain subjects. The Government has occasionally proscribed publications, including foreign publications, deemed to be prejudicial to the interests of defense, public safety, or public health. Two major South

African publications, banned in 1985 from Swaziland because of critical articles on Swazi domestic politics, remain excluded.

b. Freedom of Peaceful Assembly and Association

The King's proclamation of April 12, 1973, prohibits meetings of a political nature and processions or demonstrations in any public place without the consent, sometimes withheld, of the Commissioner of Police. In practice, however, no permit is required for most gatherings. Except for the prohibition of certain antigovernment activity, freedom of association is generally permitted. Trade associations and professional bodies exist in Swaziland and maintain relations with recognized international bodies in their fields.

The Industrial Relations Act (IDA) of 1980 reaffirms the right of trade unions to exist, organize, and associate freely. It also provides for an Industrial Court for the settlement of disputes arising from employment. A High Court judge presides over the Court. The Industrial Court is empowered to hear and determine trade disputes and grievances, to register collective agreements, to hear and determine matters relating to collective agreements, and to enjoin any organization from striking or continuing to strike.

Strikes are rare in Swaziland and are generally considered to be "unSwazi" by the Government and most of the population. The Government generally intervenes beforehand to reduce the likelihood of a strike, which cannot be legally called until all avenues of negotiation have been exhausted. The Labor Commission can then issue a 14-day postponement which can be extended when additional documentation is presented. Where the national interest or welfare is concerned, the Minister of Labor can forbid a strike or can refer the dispute to the Industrial Court.

Trade unions have widened the scope of their activities since 1981 but, since most Swazis are subsistence farmers, they play a small role in the economy and have little political influence. They are able, within limits, to operate independently of government or political control. One notable exception occurred in January 1986, when the Government refused to allow an international congress of trade unionists scheduled to meet in Swaziland to take place, reportedly because invitations were sent out to international representatives without first obtaining clearance from the Government. The Swaziland Federation of Trade Unions, the union umbrella organization, participates in the International Labor Organization and is a member of the Organization for African Trade Union Unity.

c. Freedom of Religion

Swaziland is traditionally hospitable to all religious beliefs, informally considers itself to be a Christian country, and permits a wide variety of foreign missionary activity. Organized religions are free to establish places of worship and train clergy. No licenses are required for such organizations or in order to publish religious texts, nor are there any bars to religious travel outside the country. At the same time, the authorities promote the observance of Swazi customs, where adherents reap an advantage in public life. When these customs conflict with religious beliefs, there are occasional difficulties. In the past, for example, the

Government has objected that pastoral letters criticizing social injustice constituted political interference. However, no such instances occurred in 1986.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Swazis may travel and work freely within Swaziland. Those who have left the country may freely return, and citizenship is not revoked for political reasons. Swazis generally can obtain a travel document to travel to some states in southern Africa, but the Government occasionally refuses to issue a passport if the applicant does not appear to have adequate means of support while abroad. Citizenship for nonethnic Swazis can be difficult to establish, creating problems in obtaining passports and other civil documents. Swaziland is a signatory to the U.N. Protocol Relating to the Status of Refugees, and treats displaced persons from neighboring countries well. By far the largest number of refugees is the 7,000 primarily ethnic Swazis from South Africa who fled Zulu administration in the black South African homeland of Kwazulu.

In recent years, a large number of Mozambicans have entered Swaziland illegally to escape the drought and the escalating civil conflict in Mozambique and to seek employment. By the end of 1986, Swaziland had granted first asylum to 5,500 Mozambican refugees. In most cases, Swaziland permits the UNHCR to interview the asylum-seeker first and grants asylum if the person can argue convincingly that he or she will face persecution if repatriated. In some cases, apprehended illegal Mozambicans are deported. Refugees who leave Swaziland on U.N. travel documents (e.g. for study abroad) are sometimes not allowed to return.

As in previous years, in 1986 Swazi police arrested a number of non-Swazi ANC activists. They were turned over to the local UNHCR representative for transfer to neighboring countries (primarily Tanzania) willing to receive them.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Swaziland is ruled by the King-in-Council. This means that ultimate decisions concerning matters such as political policy, the appointment of ministers, or issuance of decrees are made by the Monarch after obtaining the advice of senior members of the royal family, the senior chiefs, the Cabinet, and members of Parliament. This consultation takes place in private, and public debate of political matters under consideration by the Monarch is rare. Legislation is passed by the Parliament and is then submitted to the Monarch for assent--which may be withheld. While political power is not confined to the royal family, it is concentrated there. This system is essentially a version of the traditional Swazi form of government as modified during the long reign of King Sobhuza II. It provides for extensive consultation and depends on slow consensus building. The system does not exclude white or mixed-race Swazis, but it does place a premium on ethnic-Swazi descent and especially on royal or other traditionally prized connections. The second most powerful person in the kingdom is traditionally the Queen Mother, and other women play prominent roles as well.

SWAZILAND

Political parties are outlawed, and an organized political opposition to the Government in the sense of a multiparty system does not exist. Members of Parliament (50 in the House of Assembly and 20 in the Senate) are chosen in an intricate manner involving the interactions of 40 regional councils, 80 electors, and the Monarch's appointive powers. The Parliament has served occasionally as a forum for examination and criticism of government policies, but matters are seldom pressed to a vote and, when they are, unanimity is usually the result. One of the ministers is a nonethnic Swazi, as are a number of members of Parliament. Several women are also members of Parliament. The Crown does not descend by primogeniture. After the death of the King, the heir to the throne is chosen from among the King's surviving sons by senior members of the royal family.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Swaziland does not play a prominent role in international human rights matters. There is no public indication that the Government was queried in 1986 by representatives of human rights groups concerning its human rights practices. However, in 1985 Amnesty International made several appeals to the Government for the release of five prominent political detainees, all of whom were eventually released on December 31, 1985. There are no organizations based within the country whose purpose is primarily to observe, report, or contest human rights violations, but the bishops of the Anglican and Roman Catholic churches circulated a joint pastoral letter in 1985 which discussed human rights violations, including the case of the five political detainees.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Unique Swazi governmental and social traditions unavoidably create differences between ethnic and nonethnic Swazis. For example, ethnic Swazis from South Africa seeking political refuge in Swaziland are treated very much like Swazi citizens and are promptly given work permits. Those who are not ethnic Swazis are treated more as foreigners and permits for others are given more reluctantly. Nevertheless, the Kingdom makes a special effort to welcome the full participation of nonethnic Swazis in its life. A significant expatriate community exists, especially concentrated in the business and missionary areas. The population's needs and aspirations are met on a generally nondiscriminatory basis.

Traditional values are a major influence on the role of women in Swazi society. Since men are away from their homesteads much of the time, women perform most agricultural tasks and have responsibility for virtually all child rearing and domestic chores. However, they are not given authority to make family decisions, and, in some cases, are not legally equal to men. A married woman, unless her position has been defined by a prenuptial agreement, is virtually a minor under the law. She is not responsible for contracts she signs, and she cannot hold real estate or inherited property in her own name. She must normally obtain her husband's permission to borrow money, to leave the country, and, in some cases, to take a job. A woman divorced in a traditional court has no

right to the legal custody of her children, although she may have to care for them with no support from their father. In the modern or statutory courts, the presumption of custody is in the woman's favor and maintenance is provided.

The Employment Act of 1980 forbids employers to discriminate among employees based on race, religion, sex, marital status, or political affiliation. It requires equal pay for equal work. Even so, around 75 percent of all wage-paying jobs are held by men and their average wage rate by skill category is higher than for women. However, women have equal access to schools and constitute around half the student body in nearly all institutions. There has been a significant increase in the number of women who are lawyers, medical doctors, and members of in other professions.

CONDITIONS OF LABOR

There is extensive legislation, notably in the Employment Act of 1980, protecting worker health and safety in Swaziland, with child labor receiving special attention. The workweek in the modern sector is 48 hours per week. There is no minimum wage. The following are examples of minimum wages currently in effect for certain job sectors based on the presumption of a 48 hour work week: casual labor, $0.20 per hour; cementer, $0.32 per hour: store clerk, $0.39 per hour; machine operator, $0.42 per hour; laboratory technician, $1.42 per hour. The Employment Act contains provisions covering the employment of children, maternity leave, and domestic employees. No one may employ a child below the age of 15 in an industrial undertaking, except in cases where only family members are employed in the firm, or in technical schools where children are working under the supervision of a teacher or other authorized person. Legislation limits the number of night hours which can be worked on school days and limits such work overall to 6 hours per day or 33 hours per week. However, such provisions may be difficult to enforce due to the small size of the enforcement staff.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SWAZILAND

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	7.6	10.4	11.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	7.6	10.4	11.7
A.AID	5.8	8.7	10.6
LOANS.....	0.0	0.0	0.0
GRANTS.....	5.8	8.7	10.6
(SEC.SUPP.ASSIST.)...	0.0	0.5	0.0
B.FOOD FOR PEACE.....	0.2	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.2	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.2	0.0	0.0
S.RELIEF.EC.DEV & WFP.	0.2	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	1.6	1.7	1.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.6	1.7	1.1
PEACE CORPS.....	1.6	1.7	1.1
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.1	0.1	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.1	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.1	0.1	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	7.7	10.5	11.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	7.7	10.5	11.7
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	16.2	18.2	5.1	181.6
IBRD	5.6	8.6	0.0	79.8
IFC	0.0	4.1	5.1	17.6
IDA	0.0	0.0	0.0	7.8
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	10.0	5.3	0.0	42.9
UNDP	0.0	0.2	0.0	11.9
OTHER-UN	0.6	0.0	0.0	2.6
EEC	0.0	0.0	0.0	19.0

TANZANIA

Tanzania was formed in 1964 when mainland Tanganyika united with the newly independent island of Zanzibar. Julius K. Nyerere served as President and chairman of the country's single political party almost continuously from the independence of Tanganyika in 1961 until 1985. In 1985 Nyerere voluntarily retired and sanctioned the election of Ali Hassan Mwinyi, the former President of Zanzibar and First Vice President of Tanzania. Nyerere, however, retains the chairmanship of the Chama Cha Mapinduzi (CCM), the sole legal political party. The party attempts to control activity at all levels of society through its system of 10-family cells. Zanzibar is ruled by the same party as the mainland but exercises a considerable degree of autonomy.

Tanzania is one of the world's poorest countries. Its population of 22 million, growing at 3.3 percent per year, has an annual per capita gross domestic product of approximately $240. In 1983 the Government accelerated the process of economic reform which stimulated a 2.5 percent growth rate in 1984 and 1985. In 1986 the Government strengthened the reform program, concluded a new agreement with the International Monetary Fund, increased prices paid to farmers for their crops, rescheduled Tanzania's foreign debt payments, and secured increased donor support, particularly from the World Bank.

The 1984 Zanzibar Constitution includes a bill of rights which guarantees freedom of movement, speech, religion, and association. The addition of a similar bill of rights in 1985 to the national Tanzanian Constitution and amendments to the Criminal Procedure Code and Preventive Detention Act increased public awareness of legal rights in 1986, especially in regard to proper procedures for arrest and trial. However, Parliament then suspended the bill of rights for 3 years. All laws which would now be unconstitutional under the bill of rights must be revised by March 1988. The revisions will be made by Parliament on the basis of recommendations of the Law Reform Commission.

Despite the progress toward implementing a bill of rights, the Government still severely restricts freedom of speech, of the press, and of association, including the right to strike. In July 1986, a police field force unit opened fire on a group of 500 workers protesting wage deductions at a sugar factory in Kilombero. Three people were killed and 20 injured by police gunfire. The incident was the first of its kind in Tanzania since independence and is being investigated by a government commission. The 14 remaining suspects of the original 30 persons placed in preventive detention in 1983 during the government inquiry into an alleged plot to overthrow the Government were released in April 1986. Two persons who were detained at the end of October remained in custody without being informed of the charges against them at the end of 1986.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of politically motivated killings.

b. Disappearance

There were no reported cases of disappearance.

c. Torture and Cruel, Inhuman or Degrading Treatment or Punishment

The Tanzanian Government opposes torture as a matter of policy, but it is occasionally used on an unauthorized basis by police and prison authorities, mainly in the form of beatings. This occurs typically either at the time of apprehension, when a suspect is first taken to a police station, or during the subsequent criminal investigation. Police have shot and killed fleeing suspects. The use of such force has been severely criticized by the government press. Police officials have been sentenced to lengthy terms of imprisonment for abuses of suspects and prisoners.

Tanzania's prisons are generally unsanitary and overcrowded. Prison conditions are poor, largely as a result of Tanzania's economic difficulties and not because of a deliberate government effort to subject prisoners to inhumane conditions. In 1986 the Government promoted prison training programs and announced that it was considering initiating a system of parole.

Mob justice also sometimes occurs in both cities and rural areas, and in 1986 vigilantes killed several suspected bandits and disfigured others. Traditional defense groups in central Tanzania, the Sungu Sungu and Wasalama, which in the past were encouraged by both government and party officials to help eliminate cattle rustling, often use such extreme tactics against rustlers and elderly people suspected of practicing witchcraft.

d. Arbitrary Arrest, Detention, or Exile

The Preventive Detention Act allows, upon a written order from the President, the arrest and indefinite detention without bail of any person considered dangerous to the public order or national security. In 1985 the Act was amended to require that detainees be released within 15 days of their detention or informed of the reason for their detention. In April 1986, the Government released the 14 remaining suspects of the original 30 persons, including a senior Tanzanian diplomat, placed in preventive detention in 1983 during the inquiry into an alleged plot to overthrow the Government. At the end of 1986, two persons who had been detained in October remained without charges and without seeing their families. These were the first reported long-term detentions under President Mwinyi. Although the Act was extended to Zanzibar in 1985, no one was known to have been detained there under its provisions in 1986. The Court of Appeals, the highest court in Tanzania, ruled in 1986 that time spent in prison under the Preventive Detention Act cannot be considered to be time served if the accused is subsequently convicted and sentenced.

The 1985 amendments to the Criminal Procedure Code, requiring that a person arrested for a crime, other than a national security charge under the Preventive Detention Act, be charged before a magistrate within 24 hours, has raised public consciousness concerning legal rights at time of arrest and made the police more cautious about making arrests without good cause. However, the new criminal procedure amendments

also restricted the right to bail, reducing the number of bailable offenses, limiting judges' discretion in granting bail, and imposing strict conditions on freedom of movement and association when bail is granted. In 1986 judges usually followed the recommendations of prosecutors in granting or denying bail. The legal community in Zanzibar believes that the new amendments to the Criminal Procedure Code do not apply to Zanzibar, and that the isles retain the less restrictive old system of the right to bail in all cases except murder and treason. Under the new amendments, an accused has the right to challenge the order for arrest, and his case must be referred to a board of review within 3 months, or he must be released.

The Economic and Organized Crime Act of 1984, which replaced the Economic Sabotage Act of 1983, placed persons newly accused of economic crimes within the procedural safeguards of normal judicial process, giving defendants the right to attorneys and, under certain conditions, bail. Because these cases are heard in special sessions within the court system, it is difficult to determine the number of arrests for economic crimes in 1986. They appear to be scattered incidents rather than a throwback to the large numbers arrested in 1983 and 1984. Some cases are still pending in the special tribunal established by the Economic Sabotage Act of 1983. These tribunals bypass normal legal procedures by suspending rules of evidence, the right of representation, and the right to appeal.

With regard to forced labor, the International Labor Organization (ILO) continues to express concern over laws requiring unemployed persons to work in communal agriculture and development projects.

e. Denial of Fair Public Trial

Tanzania's legal system is based on the British model with modifications to accommodate customary and Islamic law in civil cases. Criminal trials are open to the public, and the more controversial trials are open to the press. Criminal defendants have the right of appeal. Military courts do not try civilians, and there are no security courts. Defendants in civil and military courts may appeal decisions to the High Court. Judges are appointed by the Chief Justice except for those of the High Court and the Court of Appeals, who are appointed by the President. While an independent judiciary is constitutionally mandated, some members of the legal community, including judicial officers, have complained that the legal system is being corrupted through bribery. No evidence has been presented of corruption in the Court of Appeals, however, but police and court officials are often bribed to delay the process of investigation and trials. Although the 1985 amendments to the Criminal Procedure Code were supposed to lessen court congestion, in 1986 it was taking from 3 to 4 years for an average case to come to trial. The Government provides legal counsel to those charged with treason and murder. In Dar Es Salaam, the Tanzania Bar Association and the Legal Aid Society offer legal service to indigents, but their resources are severely strained, and most indigents do not in fact receive legal representation.

Under the 1984 Zanzibar Constitution, the people's courts, which did not provide defendants the right of legal representation, were abolished. The island's court system now

parallels the legal system of the United Republic of Tanzania but retains Islamic courts to handle Moslem family cases such as divorce, child custody, and inheritance. Cases concerning Zanzibar constitutional issues are heard only in Zanzibar's courts. Beginning in 1985, all other cases may be appealed to the Court of Appeals of the United Republic of Tanzania. One or two such appeals were heard in 1986.

In 1986 the nine defendants sentenced to life imprisonment in a 1985 treason trial were waiting for their appeal to be heard. At the end of 1986, five persons arrested for assisting in the escape of two of the original defendants were awaiting trial.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although party membership is voluntary, the Government uses the party structure to intervene in the private lives of its citizens. The Chama Cha Mapinduzi has party cadres covering the smallest units of society. Individual cells vary in size from single family homes to large apartment buildings, and may contain from 10 to several hundred individuals. Unpaid "10-cell" leaders are the party officials responsible for resolving problems at the grassroots level and reporting any suspicious behavior or event within their neighborhoods to authorities.

In 1986 police were criticized for forced entry into private homes while engaged in searches for tax evaders and contraband. Various ordinances allow the removal of "undesirable" or destitute persons from one area to their prior place of residence or origin if no work is found for them. Groups of unemployed persons were rounded up on the streets of Dar es Salaam under these ordinances. The city of Dar es Salaam started a Human Resources Department to assist the urban unemployed in finding productive work rather than return them to the rural areas at government expense.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press is guaranteed under the Constitution but is limited in practice. Tanzanian citizens show few inhibitions about criticizing the system in private conversations but are cautious in public statements. The mainland Government owns the only English-language daily newspaper, the National Press Agency, and the mainland radio facility. The Zanzibar Government operates a radio and television station. The Swahili-language paper, which has a daily circulation of 100,000, is owned by the party. The Newspaper Act, which allows government search and seizure of any publication and withdrawal of the license to publish at any time, makes the launching of a private newspaper or magazine extremely difficult. There is a monthly Catholic newspaper with a circulation of 120,000 which covers largely religious news. The official media, as organs of the State, usually present a unified point of view on important policy matters and do not criticize the premises of government domestic or foreign policies. The Government encourages the media to publish articles and letters to the editor criticizing corruption, mismanagement, and "economic sabotage" in the government ministries and state-owned corporations.

However, a weekly newspaper column, "Society and the Law," was removed when it became too critical of the Government.

Visiting foreign reporters are required to register with the Government and obtain a government permit. They are then allowed considerable freedom, including access to government and party leaders. Photographers, however, can fall victim to the widespread fear of South African espionage. In August 1986, two photographers were arrested in separate, unrelated incidents. Each photographer had all the required permits, and each was released after several hours. Also in 1986, a freelance journalist was banned from reporting on Zanzibar because he was said to be reporting negative news "which destroyed the image of the isles."

Academic freedom is officially guaranteed, but in practice most academicians, relying on the government-run educational system for their livelihood, limit their exploration of sensitive subjects. Under the Films and Stage Plays Act, films may be censored, and plays must be approved. The importation of foreign publications is not prohibited, but it is limited by the acute shortage of foreign exchange.

b. Freedom of Peaceful Assembly and Association

Given the nature of Tanzania's one-party system, the freedoms of public assembly and association are limited. Permits must be obtained through the party for any public meeting, political or otherwise. Student organizations are party controlled, and students are inhibited from public criticism by concern that their future employment prospects may be jeopardized. A number of professional business, legal, and medical associations exist, but they are careful to concentrate on nonpolitical topics. Under the Societies Ordinance, all associations must be registered with and approved by the Ministry of Home Affairs, and their elections are subject to government supervision, including the screening of candidates. No organizations which would compete with party organizations are approved, including labor unions.

There is only one labor union, Juwata, an organ of the party. Membership in Juwata is required of all workers. No other unions may operate. All business and government offices with more than a few employees are required to have a Juwata chapter. Juwata represents about 60 percent of the workers in the industrial and government sectors. Juwata, however, has little influence on labor policy. Wages are set by the Government, and Juwata does not bargain collectively on behalf of the workers. At the local level, it promotes employee welfare by filing grievances against employers, usually involving pay disputes. Grievances which cannot be settled in the workplace are taken to the permanent Labor Tribunal, whose decisions are final.

Strikes are not prohibited by law, but they have not taken place in the past because disputes must be taken to the Labor Tribunal which makes binding decisions. In July 1986, a labor disturbance occurred when approximately 500 workers gathered at a sugar factory entrance in Kilombero to protest wage deductions. A police field force unit opened fire, killing 3 and wounding 20. The management and local officials blamed the workers for their failure to use proper channels to voice their grievances. The Legal Aid Committee issued a strong statement deploring violence against unarmed citizens. The

Government-established commission of enquiry, with representatives from the party, Government, police, and Juwata, discovered shortcomings in factory management, organization of the workers, and party and government leadership. On December 1, President Mwinyi announced that he had taken action on recommendations made by the Commission. However, the recommendations and the report have not been made public. Juwata maintains relations with the ILO, and the Government has ratified most ILO conventions. The ILO believes that the appointment of the leader of Juwata by the President of Tanzania violates its Conventions no. 87 and 98 on freedom of association.

c. Freedom of Religion

Freedom of religion is guaranteed by the Constitution and respected in practice. Missionaries are allowed to enter the country freely to proselytize, and Tanzanians are allowed to go abroad for pilgrimages and other religious purposes, limited, of course, by the scarcity of foreign exchange. The population of the mainland is roughly 30 percent Christian, 35 percent Muslim, and 35 percent adherents of traditional religions. There appear to be no social or political advantages or disadvantages attached to membership in any given faith on the mainland. While there has been some controversy in overwhelmingly Muslim Zanzibar regarding state support of certain mosques, Zanzibaris are generally free to practice without interference any faith they choose.

d. Freedom of Movement Within the Country, Foreign, Travel, Emigration, and Repatriation

Apart from the Zanzibari requirement for documentation for travel between Zanzibar and the mainland, travel generally is not restricted within Tanzania. Citizens must follow national employment directives stipulating the nature of employment and location of residence. For years city dwellers unable to show proof of employment during police checks have been forced to return to rural areas in an effort to control increasing pressure on urban resources and reverse declining levels of agricultural production. The Human Resources Deployment Act of 1983 requires local governments to ensure that every resident within their areas of jurisdiction engages in productive or other lawful employment. Those not so employed are subject to transfer to another area where employment is available. Although the Act was not enforced in 1986, the Government strongly encouraged 1,000 unemployed residents in the over-populated Kilimanjaro area to resettle on arable land in Morogoro under a 5-year human resources development program. The Government also expressed concern over the increasing numbers of young people migrating to urban areas to seek work rather than remaining in the countryside to engage in agriculture and raise livestock. In 1986 a number of persons were rounded up at random in Dar es Salaam and imprisoned for 3 to 4 months to discourage young migrants.

Passports are required for foreign travel and can be difficult to obtain. Tax clearances and approval from the Central Bank are required in order to buy airline tickets. The Economic and Organized Crime Control Act of 1984 prohibits taking foreign currency out of the country (although allowed on Zanzibar for business purposes), and those accused under the Act must surrender their passports. In practice, those planning to travel or emigrate are subject to intense scrutiny

by police and tax authorities. Tanzanians who leave the country without authorization are subject to prosecution on return. In 1986 Tanzanian immigration authorities increased border post surveillance and began requiring all people crossing borders out of the country to present travel documents detailing the purpose of their journey. This requirement was aimed at the large number of unemployed youths who leave the country. In the spring of 1986, over 40 such youths were repatriated from Mozambique. Their travel documents were confiscated on return, and they were held in prison until their families paid the cost of their return tickets. The Extra-Territorial Jurisdiction Act empowers the courts to try Tanzanians who commit offenses outside the country. Although it is legally possible for citizenship to be revoked, there have been no reports during the last several years that this has been done.

Tanzania generally has a liberal policy toward refugees and displaced persons. As of January 1986, there were about 207,000 refugees and displaced persons in Tanzania of whom 82 percent were from Burundi, with most of the rest from Rwanda and Zaire. Tanzania accepts refugees from contiguous countries and requires those from other countries to find resettlement elsewhere. In general, the same services and rights available to citizens are offered to refugees and displaced persons insofar as local resources permit. Upon becoming self-supporting, such persons are offered Tanzanian citizenship. South Africans who enter Tanzania as members of liberation groups are allowed to remain in the country in a special category. However, those who leave the liberation groups are refused work and residence permits. The United Nations High Commissioner for Refugees (UNHCR) is actively engaged in resettling over 70 former members of such groups.

In 1986 Tanzania began settling a small group of asylum-seekers who fled Uganda in the wake of two changes of government there in 1985. Seven Kenyan dissidents, even though they arrived from a contiguous country, were turned over to the UNHCR for resettlement in Scandinavia because of the Government's desire to continue good relations with Kenya. The UNHCR is presently attempting to resettle 10 more such arrivals from Kenya.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Political activity is forbidden except within the party. Although ex-President Julius Nyerere continues to direct the party structure and bureaucracy, he has indicated plans to step down in the near future and appears to be slowly relinquishing power to President Mwinyi, who also serves as party vice chairman. There are no overt opposition groups. However, informal advocacy of a multiparty system is allowed, and leaflets on the subject have been distributed by multiparty advocates.

All candidates for Parliament must be party members. In 1985, under the amended Constitution, voters were allowed to choose between two party-selected candidates for 75 percent, or 169, of the 244 seats in Parliament. The remaining 25 percent is composed of members appointed by the Government and the various "mass organizations" associated with the party. The one-party system does not permit political participation through the open nomination of multiple candidates. Voters

register dissatisfaction by voting incumbent members of Parliament out of office. In 1985 some 23 petitions were filed alleging election fixing and intimidation of village leaders and challenging the results of the elections both on Zanzibar and the mainland. In 1986 most of the petitions were dismissed by the courts, although a few were still pending. While membership in the party is voluntary, overzealous party functionaries have been known to require proof of membership for receipt of basic government services or employment. This practice has been publicly deplored by Nyerere.

Zanzibar has its own House of Representatives, and the majority of the members were directly elected from a party-selected slate for the first time in 1985. Under the new Constitution, the House of Representatives consists of 50 elected members, 10 members nominated by the President of Zanzibar, 5 regional commissioners, 5 seats reserved for women, and 5 representatives from the party's mass organizations.

Women are encouraged to take an active role in politics. The Government has appointed women to 20 percent of the membership of village councils. There are two women Cabinet Ministers and there is one woman on the 18-member central committee of the party. The 1985 national Constitution reserves 15 seats in Parliament for women.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Tanzania is a party to the United Nations' covenants on human rights and in 1984 ratified the Organization of African Unity Charter on Human and Peoples' Rights. Largely due to the efforts of ex-President Nyerere, Tanzania has developed a tradition of opposing abuses of human rights, and there were no outside investigations of human rights violations in Tanzania in 1986. There are no active local human rights groups in Tanzania. There was no published government reaction to Amnesty International's concern about the continuing detention of the suspected coup plotters. These detainees were released in April 1986.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

In practice, the participation of women in education beyond the primary school level is seriously limited by tradition and social attitudes. For most of Tanzania's ethnic groups, women's traditional role has been that of mother and field laborer, and women are still underrepresented in government, the professions, and in skilled occupations. Social limitations on the roles women play are generally more pervasive on Zanzibar than on the mainland. Women in many parts of the country continue to suffer from discriminatory restrictions on inheritance and ownership of property because of concessions to custom and Islamic law. Although the practice is declining, female circumcision is still occasionally performed within approximately 20 of the country's 120 mainland ethnic groups. Despite obstacles, the Government has made progress in its efforts to ensure equality for women, especially in urban areas where traditional values have a weaker hold on the population. The Court of Appeals has held that womens' domestic services are a marital asset to

be considered in divorce settlements. The Union of Tanzanian Women, a wing of the party, is dedicated to the eradication of inequality for women in all spheres of society. The ILO has assisted groups of women in starting small-scale business ventures and achieving economic independence.

In 1986 attention was drawn to the plight of the indigenous Hadzabe people who live in the north of the country around Lake Eyasi. These hunters and gatherers were among the earliest settlers in Tanzania. Lack of food, water, and shelter has reduced their population from 2,000 to 250 in the last few years. Although the Government is researching the problem, it has no immediate plans to reverse the impending extinction of the Hadzabe, known as "the forgotten people of Lake Eyasi."

The Asian community, estimated at about 40,000, is both culturally and economically exclusive, a business-oriented minority in a society committed to socialist policies. Official government policy is one of equal rights for all citizens, and Asian entrepreneurs are being encouraged to invest in areas previously reserved for the public sector, including large-scale agriculture.

CONDITIONS OF LABOR

Workers in Tanzania work a 40-hour, 6-day workweek. Section 77 of the employment ordinance prohibits children under the age of 15 from working. This provision applies only to the formal wage sector in both urban and rural areas and not to children working on family farms or herding domestic livestock. A young person between the ages of 15 and 18 may be employed provided the work is "safe and not injurious to health." There is no legal discrimination in wages on the basis of sex, but in practice discrimination occurs. In general, women cannot be employed between 10 p.m. and 6 a.m., and young people are not allowed to work between 6 p.m. and 6 a.m. Several laws regulate safety in the workplace, including the Factories Ordinance, the Accidental and Occupational Diseases Notification Ordinance, and the Workman's Compensation Ordinance. In 1986 the ILO and the Ministry of Labor completed a project establishing an occupational health and safety factory inspection system. Employers in Tanzania are required to have insurance, but enforcement is limited by Government resources for checking on it.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: TANZANIA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	6.4	9.4	1.7
LOANS...	0.0	0.0	0.0
GRANTS...	6.4	9.4	1.7
A.AID ...	1.2	0.0	0.2
LOANS...	0.0	0.0	0.0
GRANTS...	1.2	0.0	0.2
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE...	3.9	7.5	0.0
LOANS...	0.0	0.0	0.0
GRANTS...	3.9	7.5	0.0
TITLE I-TOTAL...	0.0	0.0	0.0
REPAY. IN $-LOANS...	0.0	0.0	0.0
PAY. IN FOR. CURR...	0.0	0.0	0.0
TITLE II-TOTAL...	3.9	7.5	0.0
B.RELIEF.EC.DEV & WFP.	2.0	1.4	0.0
VOL.RELIEF AGENCY...	1.9	6.1	0.0
C.OTHER ECON. ASSIST...	1.3	1.9	1.5
LOANS...	0.0	0.0	0.0
GRANTS...	1.3	1.9	1.5
PEACE CORPS...	1.3	1.9	1.5
NARCOTICS...	0.0	0.0	0.0
OTHER...	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS...	0.0	0.0	0.0
GRANTS...	0.0	0.0	0.0
A.MAP GRANTS...	0.0	0.0	0.0
B.CREDIT FINANCING...	0.0	0.0	0.0
C.INTL MIL.ED.TRNG...	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS...	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	6.4	9.4	1.7
LOANS...	0.0	0.0	0.0
GRANTS...	6.4	9.4	1.7
OTHER US LOANS...	0.0	0.0	0.0
EX-IM BANK LOANS...	0.0	0.0	0.0
ALL OTHER...	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL...	39.5	46.7	90.0	1425.7
IBRD	0.0	0.0	0.0	318.2
IFC	3.9	0.0	0.0	11.0
IDA	35.0	45.0	90.0	934.9
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	97.9
UNDP	0.6	1.7	0.0	17.7
OTHER-UN	0.0	0.0	0.0	41.0
EEC	0.0	0.0	0.0	5.0

TOGO

The Government is authoritarian, with power firmly centralized in the hands of President General Gnassingbe Eyadema. He is also head of the armed forces and of the only legal political party, the Rassemblement Du Peuple Togolais. In power since 1967, the Eyadema Government's legal authority is based on a Constitution adopted by national referendum in 1979. All Togolese are considered to be members of the party, and all are obligated to vote. Generally, only active party members can achieve political office. As head of the party, President Eyadema dominates the executive, legislative, and judicial functions of the Government.

The Government's control of the elements of coercion, including the military, the Gendarmerie, and civil police (Surete), and the wide recognition that it is willing to use them, especially in cases involving the security of the country or regime, are important factors in maintaining its authority.

Togo's economy is heavily oriented toward subsistence agriculture, with most Togolese participating only marginally in the modern (cash) sector. Coffee, cocoa, and cotton are the only significant export crops. Togo exports one mineral product, phosphate. World prices for these exports have recently been below normal, and Togo has had to institute an austerity program, with attendant hardship on the population. Togo also has a small but flourishing commercial sector and encourages private enterprise, much of which is carried out by women.

The human rights situation changed little in Togo in 1986. Lengthy detention of persons without charge still occurred for long periods, particularly in security related cases. However, there was movement in the trials of political prisoners, and there were some releases of prisoners, demonstrating sensitivity by the Government to international concerns. Of the 18 persons arrested in September 1985 for distributing antigovernment tracts, 15 were released by early 1986; the remaining 3 were publicly tried and convicted in July, with 1 immediately receiving a presidential pardon. Two of the defendants claimed during the trial that their confessions had been extracted through the use of torture. Public trials were held in December for those arrested in connection with a coup attempt on September 23, which was staged from Ghana; for those accused of infiltrating briefcase bombs into Togo in July; and for those accused of involvement in the 1985 bomb explosions in Lome, Togo's capital. As a result of these trials, 7 persons were acquitted, and others received sentences ranging from death (the 13 persons who received death sentences have the right to appeal for presidential clemency) to 1 year in prison. The Government considers these convicted persons to be terrorists and not political prisoners.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

On September 23 a commando force largely made up of Togolese dissidents attacked Lome from neighboring Ghana in an attempted coup d'etat. They failed in their goals of killing President

Eyadema and forcing the overthrow of the regime. However, there were a number of deaths as a result of the fighting between the dissidents and government forces. The Government announced that seven of the commandos were killed as well as eight civilians, but it made no announcement of the number of Togolese security personnel killed in the fighting. It is highly probable that many more than the announced number of civilians were killed, with some local estimates going as high as from 150 to 200 total civilian and military casualties.

b. Disappearance

There were no reports of disappearance for political motives.

c. Torture and Cruel, Inhuman, or Degrading treatment or Punishment

While the President has enjoined Togolese authorities to refrain from torturing prisoners, there is no specific Togolese law prohibiting torture. Some released prisoners and trial defendants claimed to have been beaten or tortured and alleged that their statements to the police were obtained either by threat or application of physical coercion. For example, during the July trial, two of the three Togolese charged with distributing antigovernment pamphlets retracted their previous confessions which they said had been obtained under torture. Reportedly, the general populace believes that torture is practiced, particularly by the military and the Gendarmerie. The Association of African Jurists, in a 1986 Report, found that prisoners had been beaten during detention. Amnesty International's 1986 Report on Political Imprisonment and Torture in Togo said that torture of both political and criminal prisoners appeared to be frequent and involved beatings and electric shock treatments.

Prison facilities are overcrowded and rudimentary with limited space, light, sanitation facilities, and ventilation. Food and medical care are reported to be barely adequate by local standards. Families are allowed to visit prisoners and to provide food, although sometimes this is not permitted until after the period of investigation is over. Only military and paramilitary personnel are granted access to Togo's four military prisons. There were credible reports of prisoner beatings and hard labor on state-owned farms.

d. Arbitrary Arrest, Detention, or Exile

The Togolese legal system does not include the right of a detained person to a judicial determination of the legality of detention. Prisoners accused of crimes unrelated to political security are usually held for no longer than 48 hours prior to indictment or provisional release pending investigation, but nothing prevents authorities from holding a person beyond that time without charge. Arbitrary arrest and detention occur in Togo, especially of those the Government considers guilty of "crimes against the public trust" (e.g., corruption, political opposition, or threat to national security). There is no functioning bail system.

In late 1985, the Government established a commission of inquiry to examine the conditions of detainees. While the commission's report was not made public in Togo, it was made available to human rights organizations and journalists in Europe. Reportedly, the commission found that conditions in Togolese prisons were generally satisfactory, but it

recommended that the legal 48 hour limitation for detaining a prisoner without charge should be respected.

Both political and nonpolitical prisoners held in preventive or administrative detention are usually not formally charged and cannot obtain redress through the courts. They may be detained as long as the Government deems necessary for the investigation, which in some cases may take months or even years. As is generally the case, the three Togolese tried in July for opposition to the Government were not allowed access to lawyers during the police investigation, but they were allowed access to lawyers of their own choosing (including one French lawyer) once the police investigation had ended, and the case had been turned over to the courts. The defense lawyers were vigorous in arguing their clients' case. Nonjudicial sanctions are often taken against those who have been administratively detained, e.g., those government employees arrested in the antigovernment pamphlet case were fired from their jobs. Administrative sanctions have also included relegation to residences in home villages, where the persons are required to report weekly to the Gendarmerie.

Reports indicate the national Gendarmerie has exercised almost unlimited power in arresting and detaining persons in Togo. Present practice allows any permanent officer of the Gendarmerie to arrest and detain persons without seeking prior permission or submitting a subsequent report. President Eyadema is believed to follow political cases closely. The number of detainees held by the Gendarmerie outside the structures of local judicial process has been reported to be as high as 50. Those persons detained by the military are processed through the military judicial system. The number of political exiles is unknown, but is not believed to be large.

There is no forced labor in Togo outside the penal system.

e. Denial of Fair Public Trial

Traditional courts at the village level handle a large number of civil and even criminal cases, with evidence generally being presented by both sides before the village chief or a council of elders who then make a decision. Those who do not accept a traditional court's ruling may take cases to the regular legal system. In the regular courts, pretrial proceedings are sometimes protracted. A crowded court docket and a shortage of judges make speedy trials unlikely. Defendants accused of nonpolitical crimes are generally accorded the right to a public trial and the right to consult and be represented by counsel. When the defendant cannot afford an attorney, counsel is appointed by the Government. Defendants and counsel are formally notified of charges in writing. Special courts handle security, embezzlement of public funds, and violent crimes and observe the same standards of justice as the regular courts. Togo's judicial system is not independent of the executive branch and is open to political interference in those trial cases deemed important to the Government.

In 1986 the Government tried several important cases. After releasing or pardoning 15 of the approximately 18 persons arrested in 1985 for distributing antigovernment pamphlets, 3 were tried and convicted. One was subsequently pardoned, while the other two received 5-year prison terms. Another 15 persons charged with taking part in bringing explosives into Togo were tried in December, (7 in absentia). Four were acquitted, and

the remainder were given prison sentences ranging from 1 to 13 years. An estimated 25 people were arrested in September for taking part in the attempted coup d'etat staged from Ghana and also for the 1985 Lome bombings. They were given a public trial in December, along with 10 persons tried in absentia. Three were acquitted, 13 sentenced to death, (which they may appeal), 14 to life imprisonment, 4 to 1 year in prison, and 1 to 1 month in prison. The Government and the Association of African Jurists consider those charged with bringing in explosives and with participation in the coup attempt to be terrorists.

Opposition sources outside Togo have claimed that there are up to 200 political prisoners in Togo but are unable to produce specific names. The President of the Association of African Jurists said in a September Jeune Afrique interview that the only political prisoners in Togo were the three (now two) convicted pamphleteers. Amnesty International reports estimates from various sources place the number of political prisoners at between 200 and 300 with few tried or formally charged. Nearly all of the approximately 50 detainees mentioned in Section 1.d. were arrested because they were judged to be threats to internal security and thus could be considered political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

It is generally believed that there is monitoring of correspondence and telephones and that there are extensive networks of informants in all important sectors of Togolese society in order to check on dissident activity. Searches of private residences in both civil and criminal cases are normally authorized by a judge or senior police official. In matters judged by the Government to involve national security, searches without formal authorization are permitted. While all Togolese are considered to be members of the sole political party, no one is forced to take an active role in party activities. Following the September 23 incursion by dissidents based in Ghana, Togo's Minister of the Interior publicly appealed to bands of vigilantes to desist from carrying out systematic searches of citizens in the streets because this practice violated the basic principle of respect for human dignity.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech in practice is restricted on political matters. Criticism of the President and the Government is considered antigovernment activity, and most citizens are careful to avoid such criticism. Academic freedom is practiced only in nonpolitical fields.

The Government owns and operates the media, which it regards as a vehicle for mobilizing popular support for its policies. It does not permit publication or circulation of material criticizing its policies or officials and considers any such activity a serious offense. From time to time, the media will report that certain government officials have been accused of corruption and/or ineffective program implementation. Foreign publications normally freely circulate, and there is no interference with foreign radio broadcasts.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is strictly controlled. Government approval must be obtained before large groups may assemble. Such authorization or withholding of it effectively precludes antigovernment political meetings. Permission for other types of meetings is easily obtained. Professional groups are enjoined to avoid political activities.

Although the right to organize is guaranteed under the Togolese Labor Code, organization of workers is permitted only under the aegis of the single national trade union federation, La Confederation Nationale des Travailleurs du Togo (CNTT), which is controlled by the political party. All major sectors of the Togolese work force are unionized. The CNTT conveys the Government's views and requirements to workers and, on certain economic issues, represents workers' concerns to the Government. Workers also have the right to strike, but only after every possible method of arbitration has been thoroughly exhausted. When disputing parties cannot reach a compromise, the Government serves as arbitrator. Strikes have occurred only rarely in the past. In each instance, the Government continued discussions with striking workers, and the strikes ended shortly thereafter without physical coercion or arrests of striking members. The CNTT is affiliated with the International Confederation of Free Trade Unions and sends delegates to the International Labor Organization meetings.

c. Freedom of Religion

Freedom of religion generally prevails in Togo, although the Jehovah's Witnesses were banned by a government decree in 1979. This one group is not recognized by the Government as a religious faith having the right to conduct services, proselytize, or otherwise carry out religious activities. There are, however, no known legal penalties for being a Jehovah's Witness. No specific religion is favored by the Government. Religious sects must have government authorization to become established in Togo. With the exception of Jehovah's Witnesses, the open practice and teaching of religion is permitted. There is no restriction on publishing religious material. Foreign clergy are allowed to proselytize. Local religious groups are permitted contact with coreligionists in other countries. No restrictions exist on travel for religious reasons. Religious affiliation is neither an impediment nor an advantage with regard to advancement and is compatible with membership in the sole political party.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Free movement, including domestic and foreign travel, emigration, and the right to change residence or workplace, is generally allowed for Togolese and foreigners. However, the Government restricts the issuance of passports in order to control the emigration of professional Togolese and also to keep known political dissidents under close scrutiny. Exit visas are also required. Domestic travelers may encounter security or customs-related roadblocks. Except for the few political exiles, Togolese who have chosen to reside in other countries may return at will. Togo has traditionally welcomed refugees. Following the September 23 incursion by dissidents based in Ghana, movement across Togo's western border with Ghana has been restricted.

TOGO

Section 3 Respect for Political Rights: The Right of Citizens To Change Their Government

Togo is a one-party state with President Eyadema holding a monopoly of power since 1967. All citizens are considered to be members of the party, and active party members may express their views at party meetings on issues such as the implementation of policy and the behavior of subordinate officials. No challenges are allowed, however, to the President's political program and the central committee's decisions. During the elections in December 1986, President Eyadema was the only candidate and was reelected for another 7-year term with 99.7 percent of the votes.

Togo has a 77-member National Assembly which debates certain categories of proposed legislation as defined by the Constitution, but it has no real power to reject laws proposed by the executive. The party permitted for the first time multiple candidates for seats in the National Assembly elections of March 1985. Within the one party, there were 216 candidates for 77 seats, and there were a number of spirited contests. All religious and ethnic groups and both sexes are represented within the single party. Of the 46 party members elected to the central committee during the 1986 party congress, 10 were women, and 3 women are National Assembly delegates.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Togo has been active in human rights forums, such as in the U.N. Human Rights Commission. The Government has allowed the International Committee of the Red Cross to visit political prisoners.

There are no organizations within Togo that report on or observe human rights. In the past, the Government extensively permitted entry to and cooperated with international human rights organizations such as Amnesty International in investigating charges of human rights violations. However, at the end of 1985, an Amnesty team was denied entry, and in 1986 the Government did not allow Amnesty to send representatives to observe the July trial of the antigovernment pamphleteers. The Government took exception to reports published by Amnesty about torture and political imprisonment, claiming that it was not objective. The Government also excluded from the July trial representatives of the Paris-based International Federation for Human Rights. The Government did, however, permit other international observers to attend the trial, and the Association of African Jurists sent several delegations to Togo in 1986 to investigate charges of detention of political prisoners.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The economic and social rights of Togolese women are spelled out in the family and individual code which was adopted in early 1980. Under this code, women's rights include maternity leave benefits. Women dominate local market activities and commerce with Togo's neighbors and often amass considerable wealth. Formal equality under the law and success in the market place do not mean total equality for all women throughout Togo. Civil law, for example, recognizes a woman's

property rights, but customary or traditional law gives all property to the male in the event of separation or divorce. Economic conditions in rural areas also often leave women little time for anything other than carrying water, finding firewood, cooking, child bearing, caring for the family, and helping to raise food crops. The Government has undertaken a campaign to make women throughout Togo aware of their expanded opportunities under the new family code.

CONDITIONS OF LABOR

Labor practices in Togo are set by the Togolese Labor Code adopted in 1974, which is generally respected in practice. The Code specifically stipulates that there should be equal pay for equal work, qualifications, and production for both sexes; working hours of all employees in any enterprise, except for agricultural enterprises, should not normally exceed 40 hours per week; the employment of children under the age of 14 in any enterprise is prohibited; at least one period of 24 hours of rest per week is compulsory; and workers earn 30 days of paid leave each year. Enterprises must run a regular medical service for their employees. Health and safety standards in the workplace are determined by a technical consulting committee at the Ministry of Labor and instituted by decrees. There are penalities for employers who do not meet the conditions of the decree.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: TOGO

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	9.0	8.5	13.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	9.0	8.5	13.7
A.AID	3.9	3.6	11.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	3.9	3.6	11.4
(SEC.SUPP.ASSIST.)...	0.0	0.0	7.9
B.FOOD FOR PEACE.....	2.9	2.5	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.9	2.5	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	2.9	2.5	0.0
E.RELIEF.EC.DEV & WFP.	0.9	0.7	0.0
VOL.RELIEF AGENCY.....	2.0	1.8	0.0
C.OTHER ECON. ASSIST...	2.2	2.4	2.3
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.2	2.4	2.3
PEACE CORPS.....	2.2	2.4	2.3
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.1
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	9.0	8.5	13.8
LOANS.....	0.0	0.0	0.0
GRANTS.....	9.0	8.5	13.8
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	24.7	48.7	6.9	485.1
IBRD	0.0	0.0	0.0	3.5
IFC	0.0	0.0	0.0	0.0
IDA	0.0	46.4	6.9	264.6
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	23.1	0.0	0.0	89.3
UNDP	1.6	2.3	0.0	33.5
OTHER-UN	0.0	0.0	0.0	3.8
EEC	0.0	0.0	0.0	90.4

UGANDA

The National Resistance Movement (NRM) Government of President Yoweri Museveni came to power on January 26, 1986 by seizing control of the capital, Kampala, from the forces of the previous 6-month Government of General Tito Okello Lutwa. The NRM and its military wing, the National Resistance Army (NRA), had fought a 5-year guerrilla war, first against the regime of A. Milton Obote and then that of Okello Lutwa. On January 29, Museveni formally became President and formed a transitional government of national unity which includes representatives of all of Uganda's major political parties. The President pledged to limit the Government's interim rule to no more than 4 years, but during this period traditional political party activity will not be allowed. The National Resistance Council, in theory the supreme governing body, has met infrequently, and the day-to-day decisions are made by Museveni and the Cabinet.

The security forces and situation were also in flux. The NRA forms the core of the army in which it is a minority. The military is comprised of a number of different groups, including some of Idi Amin's former troops. The police force has been reduced to 3,000 men. The NRA has proven to be a disciplined army, generally not victimizing the populace and maintainingd control over the other security units. Nevertheless, after relative tranquility the north-central and north-eastern regions became unsettled in the last half of 1986, and extensive military operations continued there, involving military opposition from soldiers of former regimes, cattle rustling by pastoralist peoples, and simple banditry. The high rate of youth unemployment in northern Uganda and the traditional tension between the Nilotic peoples of the north and the southern Bantu has exacerbated this unrest.

Despite its excellent economic potential, 23 years of turbulence has left the economy in desperate shape. At the end of the year, the Government was in a severe financial crisis due to poor NRM economic policies which have discouraged trade, spurred inflation, and deepened already large budget deficits.

In sharp contrast to the past, Museveni has placed human rights at the center of the political process. He has spoken out in a variety of forums on this subject, notably in July in criticizing the African Heads of State at the Organization of African Unity (OAU) Summit for their failure to condemn publicly past human rights abuses in Uganda. He also established a commission of inquiry into past human rights abuses, with a view to prosecuting those responsible. Although the NRM has made good progress in reestablishing security, a deteriorating economy posed new challenges at the end of 1986. Also, in executing pacification operations in the north, there were reports that the NRA has been responsible for human rights excesses, possibly including on-the-spot executions of suspected dissidents.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

It is unlikely that an exact tally of the number of Ugandans killed during the final phases of the civil war will ever be

known as it would be virtually impossible to distinguish between combat fatalities, incidental deaths, and political killings. During the battle of Kampala (January 24-26) there were at least two politically motivated killings by forces of the Okello regime. An official of the Post and Telecommunications Corporation was dragged from his home and killed because he was unable to open defective communications facilities in the midst of the fighting. Also, Captain George Nkwanga of the Federal Democratic Army was murdered, reportedly on the orders of former Chief of Defense Forces Lt. General Bazilio Olara Okello, after his fighting forces switched their allegiance from the Okello Government to the NRM side. There were probably numerous other less publicized acts of revenge during the rout of the Okello forces.

There were credible but unconfirmed reports of killings in the north either by the NRA or members of other forces now incorporated into the NRA. Sporadic fighting continued there against a group calling itself the Uganda Democratic Peoples Movement (UDPM), which has appealed to the NRM to implement the aborted December 1985 Nairobi Peace Accord (under which the NRM would have shared power with the various fighting forces that constituted the Okello Lutwa regime). The NRM rejected negotiations with the UDPM on the grounds that its record of human rights violations precluded compromise.

While the security situation improved markedly, there were a number of retributive killings that had political overtones. In particular, such killings were fairly common in the section of Kampala that had been controlled by Okello's Uganda Freedom Army (UFA) prior to the January change of government.

b. Disappearance

There were unconfirmed reports of youths in the northern Acholi region being abducted by NRA soldiers and disappearing. Whether these were related to the fighting or the severely depressed economic conditions, or both, was unclear.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and inhuman treatment are not sanctioned by Ugandan law, but for many years there have been credible reports, e.g., Amnesty International's special 1985 report, of extreme forms of torture taking place at detention centers, particularly in military barracks. Since coming to power the NRM has confirmed these reports and opened to the public some of the detention and torture centers used by previous regimes. Many of these still bore evidence of torture (e.g., blood stains), although it is unclear whether they had been used as recently as early 1986.

Despite the improved situation, the NRA established a number of detention centers when in opposition and was accused of employing torture in some cases. The NRA still reportedly uses an inhuman technique called three-point-tying, in which the suspect's arms are tied behind his back until the elbows meet. The painful process can result in the asphyxiation of the victim or gangrenous infections of the hands and arms.

d. Arbitrary Arrest, Detention, or Exile

The Museveni Government took steps almost immediately to curb

abuse of citizens' rights by policemen. Early in the year, all former soldiers and known abusers were removed from the police force, leaving approximately 3,000 police to maintain civil order in a population of almost 15 million. The weeding-out process has made the proper arrest and charging of suspected criminals even more difficult. Providing proper training for the police force is also made more difficult by the shortage of qualified officers. At the end of the year, new officers were being recruited, and the British Government planned to resume its police training program.

All detainees of the Obote and Okello era have been released except for Chris Rwakasiisi, who was a minister in Obote's Cabinet and head of the notorious National Security Agency (NASA). Rwakasiisi has not been formally charged, but he is widely believed to have been implicated in NASA's excesses, including killings, disappearances, and torture.

The NRA has detained some suspected dissidents in areas of guerrilla activity in the north. The number of detainees and the duration of their respective periods of detention are unknown. Northerners living in Kampala report that they have been harassed and occasionally detained by security forces on suspicion of having collaborated with the previous regimes. The NRA has also detained a number of persons--mostly NRA soldiers accused of criminal activities--at civilian prisons. The number has varied between 250 and 600 at any one time. The NRA has reportedly detained prisoners of war and members of non-NRA fighting forces at military barracks in the southern half of the country.

Prisoners may be required to perform certain types of manual labor, such as road maintenance.

e. Denial of Fair Public Trial

In May the Government announced the establishment of a commission of inquiry to review all cases of human rights violations since independence. The commission is headed by a High Court judge and has the authority to summon witnesses and to hold both private and public sessions. The Government has pledged to seek the extradition of Idi Amin and Milton Obote on charges of human rights violations.

The relationship of the transitional Government to the judiciary is still evolving, but the established Ugandan judicial system remains in place and contains procedural safeguards modeled after British law, including the granting of bail, appeals to higher courts, and regular court appearances for those being held in detention. There are no special courts for political or security cases. Because of the tradition of relative independence and impartiality of the judicial system, previous regimes have tended to use extrajudicial means of detention and punishment.

There are a number of treason cases currently awaiting trial in Kampala courts. In September the NRM arrested a group of 25 monarchists who were alleged to have plotted the return to power of the King (Kabaka) of Buganda. In October the NRM arrested 19 people, including the Ministers of Energy, Environment, and Commerce as well as a former Vice President and several military officers, for allegedly plotting a military coup. Human rights groups, such as Amnesty International, expressed concern that the 19 suspects had been held for a lengthy period without any serious attempt being

made to bring them to trial. The NRM also arrested on charges of treason the editors of The Weekend Digest for publishing a story that Kenyan guerrillas were operating out of Uganda. These treason cases will reportedly be handled in the established courts.

Under the NRM, a number of local "resistance committees" have evolved with ill-defined security and other responsibilities, including semijudicial functions. A legal issue that has developed concerns the right of these committees to mete out punishment (usually flogging). In one publicized case, a Kampala resistance committee authorized corporal punishment of a sugar merchant who charged prices above the legal ceiling. The case has inspired wide debate, and a government official upheld the legality of the sentence since it had been handed down by a committee directly elected by the people.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Undisciplined elements of the previous regime interfered with privacy and family through harassment including physical abuse and large scale looting. Prior to the battle of Kampala, these activities were centered in the capital. As the forces of the former government were pushed north they continued to plunder and loot, even in their home areas.

The NRM Government has launched several operations in which NRA soldiers cordoned off sections of the capital and searched residences and vehicles for unregistered weapons. These searches generally have been conducted in a disciplined manner and accepted by the populace as a necessary measure to help restore law and order after years of virtual anarchy.

The evolving village or local NRM resistance committees have the potential to become neighborhood "watch units" as well as the basic political unit of a new Ugandan political structure (Section 3). Perhaps more controverial in 1986 were the new NRM schools of political education for the purpose of indoctrinating key officials with the NRM's leftist ideology. These courses have become mandatory for certain civil servants but have not been made compulsory for the public at large.

There are no indications that the NRM, or any other previous Government, has interfered with correspondence.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There is extensive public debate over the issues of the day, especially in the lively press. Uganda has at least 15 newspapers or newsmagazines that appear on a regular basis. Many of these began publication during 1986 and were often sharp in their criticism, e.g., of alleged brutalities committed by NRA soldiers.

In principle, the NRM Government favors a free press, but officials increasingly criticized journalists for not reporting responsibly and for failing to check facts before publishing. The Minister of Information stated that there are too many newspapers and some consolidation of the various journals may be desirable, as well as the creation of a press council, composed of newspaper editors, to establish professional standards for journalists.

The NRM also took direct action against the press in 1986, banning one local newspaper, The Weekend Digest, in June for having printed a story suggesting that Kenyan guerrillas were operating out of Uganda against the Government of President Moi. The editors of the newspaper, Wilson Wandera and Jesse Mashate, were arrested, charged with treason, and released on bail while awaiting trial. In October the editor of the newspaper The Citizen, Anthony Sekweyama, was arrested and charged with treason along with 18 other persons. The Government has stated that Sekweyama was arrested for his alleged participation in a coup plot and not for the newspaper's editorial line, which was frequently critical of the Government. Subsequent issues of The Citizen since Sekweyama's arrest have continued to criticize the Government.

b. Freedom of Peaceful Assembly and Association

The right of assembly and association in Uganda is generally respected, except that the 4-year ban on partisan political activity prevents political parties from organizing rallies and other functions at which party officials would speak. Political activity has not been banned, but it is not clear what form such activity will be allowed to take outside political parties. Permits for public gatherings must be obtained from police authorities who have the right to deny the permit in the interest of public safety. Professional associations of doctors, attorneys, engineers, and accountants operate without hindrance, as do international associations such as the Rotary and Lions Clubs.

In February the National Organization of Trade Unions (NOTU)--Uganda's National Labor Federation--held its first free elections since 1981. NOTU and the Federation of Uganda Employers came under intense political pressure during the Obote period, when they were expected to follow the government line and faced competition from government-favored workers' councils. NOTU and its constituent unions are currently in the process of rehabilitating their regional structures. Theoretically, they have the right to engage in collective bargaining. The Minister of Labor has stated that the Government recognizes the right of workers to strike, but disapproves of wildcat strikes and prefers that workers first exhaust conciliatory methods of resolving labor-management conflict. Since the Okello coup in 1985, trade unions have had the right to associate with international labor organizations.

c. Freedom of Religion

There is no state religion in Uganda. Islam, Christianity, and African traditional religions are freely practiced. Conversion between religions is not discouraged. There is no governmental control of religious publications, even those critical of the Government. Religious leaders frequently speak out publicly on topics relating to their followers' welfare, addressing, in particular, human rights, security, and political issues.

The Uganda People's Congress is to some extent identified with the Church of Uganda (Anglican) as the Democratic Party is identified with the Roman Catholic Church. However, followers of various religions are found in both parties. The NRM as a matter of principle is opposed to political parties founded on purely religious grounds but has not acted to prohibit them. The Ugandan Catholic Church has expressed reservations about

the NRM's schools of political education and other parts of its political program as well.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Ugandans are free to move, reside, and choose their place of work within the country. In practice, travel to certain sections of northern Uganda has been difficult in recent years because of unsettled conditions there. The Government has no restrictions on foreign travel or emigration. More than 500,000 persons were displaced by conflict within Uganda between 1979 and 1986. The bulk of these displaced persons fled to southern Sudan and eastern Zaire from the Madi and West Nile regions in 1979 and 1980. In 1984 and 1985 these people began to return to Uganda with the assistance of the United Nations High Commissioner for Refugees (UNHCR). In the spring of 1986 approximately 90,000 persons repatriated themselves to East Madi, in response to attacks on their camps in southern Sudan by unknown persons and the improved security situation in Uganda. The NRM Government has encouraged the displaced persons to return, but an estimated 150,000 to 200,000 persons remained outside Uganda at the end 1986.

Uganda has hosted a large number of Banyarwanda displaced persons since they left Rwanda during its civil war. These persons were placed in UNHCR settlements in southwestern Uganda, although a number of them integrated themselves into local communities. In 1982-83 the Obote Government countenanced an expulsion of these people from their homes into camps or back to Rwanda. Approximately 40,000 Banyarwanda fled to Rwanda where they were housed in UNHCR camps. Following the July 1985 coup, the Banyarwanda in Rwanda returned to Uganda, some to their former homes, others to refugee camps. President Museveni has called for an international conference to determine the fate of the Banyarwanda displaced persons and has asked them to remain in the UNHCR settlements until an official solution is developed.

The Government has made efforts to resettle the persons displaced inside Uganda during its civil war. The potentially rich farmlands of the Luwero Triangle--scene of the heaviest fighting during the 1981-86 bush war--have been resettled and are being rehabilitated with foreign and local assistance programs.

The Karamajong cattle raiders operating out of northeastern Uganda have created a population of displaced persons in eastern Uganda. To date it has not been possible to resettle these people because of prevailing insecurity in the region.

Approximately 800 Sudanese nationals crossed into Ugandan territory during 1986 as a result of the civil war in Sudan. The Sudanese have been allowed to stay in Uganda although the Government has not decided whether they will be granted formal asylum status.

There were no reported incidents of forcible repatriation of foreign refugees in 1986.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their Government by democratic means at present. However, in practice the NRM

Government is a nonelected, broad-based coalition in which all of Uganda's major political parties are represented in the Cabinet. The NRM is the dominant partner and comprises most of the membership of the theoretically supreme governing body, the National Resistance Council (NRC), the successor to Uganda's National Assembly (parliament). President Yoweri Museveni is the dominant figure in Ugandan politics; he is also chairman of the NRM. Museveni has pledged that the interim Government will not remain in power more than 4 years. During this interim period a new constitution will be drafted, and at the end of the 4 year period Ugandans will choose their new government. At the end of 1986, only local or village resistance committees had begun to take some shape. While the NRC existed, it had been largely bypassed as a decisionmaking body.

Uganda is thus entering another period of political transition. The cornerstone of the NRM Government's political program is the formation of the resistance committee system. These bodies are elected at local levels to serve as a democratic form of local governance. Each resistance committee elects some of its members to a higher level of administration, which will eventually create a six-tier structure with the village committees at the bottom and the National Resistance Council at the top.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights

The NRM is proud of its human rights record and has indicated it is willing to accept visits by organizations such as Amnesty International. Uganda has taken a prominent role in speaking out on human rights issues in international forums. President Museveni argued at the July OAU summit that the general principle of noninterference in the internal affairs of another state should not be used as a pretext to "shield genocide from censure." Similarly, Prime Minister Samson Kisekka criticized the United Nations and the OAU for failing to condemn violations of the Universal Declaration of Human Rights. On August 18 Uganda became the 28th member of the OAU to sign the African Charter on Human and Peoples' Rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The country's boundaries cut across contiguous tribal areas and group together mutually distrustful ethnic groups. Historical animosities between ethnic groups have been exacerbated by Uganda's political problems and, in particular, by the ruination of the country's economic and political infrastructure during the Amin years, from which the country has not recovered. Particularly damaging was the 1972 expulsion of an estimated 70,000 persons of Asian heritage who comprised the backbone of Uganda's entrepreneurial and skilled trade resources. The cumulative result of Uganda's long-term ethnic civil conflict has been a breakdown of the country's social fabric. Two ethnic groups, the Banyarwanda and the Karamajong, commonly are subject to discrimination in delivery of the Government's economic and social services. The Karamajong, who live in northeastern Uganda, have experienced indiscriminate military action directed against them in reprisal for violent cattle raiding by tribal members.

After long years in opposition, the NRM espouses a philosophy

of nondiscrimination and, since coming to power, it has made elimination of sectarianism and corruption the central points of its political program. However, with fighting continuing in the north and the economy in disastrous shape, corruption remains rampant, and social and economic services are often delivered on the basis of ethnic or familial favoritism. Women are not legally discriminated against or officially restricted from education or employment.

While there is no legal discrimination against women, their access to education has been declining as families are withdrawing daughters rather than sons from school during the current difficult economic circumstances. Women played an important part in the NRA's bush war, serving as soldiers, intelligence operatives, and support personnel. There are two female deputy ministers in the NRM Government, as well as a number of female ambassadors and members of the National Resistance Council. In March Mary Kikonyogo was appointed the first woman to be a judge on Uganda's High Court. The NRM has created a women's secretariat charged with educating and politicizing Ugandan women.

One of the most vexing of Uganda's human rights problems is the dilemma of the boy soldiers (Kadogo). These preadolescents (some are as young as 6 years) were taken into the NRA during the period of the bush war. Most are orphans of villagers killed in the fighting. Rather than leave them to an uncertain fate in destroyed villages, the NRA chose to take the children along and assigned each boy to a more senior soldier who became, in effect, the child's guardian. The children fought in the civil war and were highly visible in the January battle for Kampala. They are still to be seen on the streets of Kampala in uniform and carrying weapons. Critics argue that the children should resume--or in some cases commence--their school education.

CONDITIONS OF LABOR

The bulk of Uganda's almost 15 million people live in rural areas, on subsistence farms. In the modern sector, the law sets the minimum age for employment at 12 years except on light work which the Minister of Labor may exempt by statutory order. In addition, there are restrictions for employing persons under 16 years of age in mining and in any night work, except in the case of apprenticeship. The minimum wage is that of the lowest paid person employed by the Kampala City Council, which at the end of 1986 was less than $6.50 per month. Medical care is to be provided by employers. The legal workweek is a maximum of 48 hours. In practice because of the serious decline in the economy, there is little effort at enforcement of labor laws.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: UGANDA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	9.1	9.0	14.8
LOANS.....	0.0	0.0	0.0
GRANTS.....	9.1	9.0	14.8
A.AID	9.1	9.0	14.8
LOANS.....	0.0	0.0	0.0
GRANTS.....	9.1	9.0	14.8
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & MFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.1	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.1	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	9.2	9.0	14.8
LOANS.....	0.0	0.0	0.0
GRANTS.....	9.2	9.0	14.8
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1940-86
TOTAL.....	164.8	102.2	0.0	756.0
IBRD	0.0	0.0	0.0	8.4
IFC	2.9	0.0	0.0	15.8
IDA	123.0	71.9	0.0	559.9
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	38.1	17.7	0.0	83.0
UNDP	0.8	2.3	0.0	57.0
OTHER-UN	0.0	10.3	0.0	31.9
EEC	0.0	0.0	0.0	0.0

ZAIRE

President Mobutu Sese Seko, who came to power in 1965, heads both the Government of Zaire and its only legal party, the Popular Movement of the Revolution (MPR). The President has the constitutional power to promulgate laws by decree. In theory, authority is shared with the popularly elected Legislative Council. In practice, the Parliament rarely disagrees with presidential decisions, although decrees are usually preceded by consultations with party leaders and legislators. The single legal party automatically includes all Zairian citizens as members. The Executive Council (Prime Minister and Council of Ministers), the Legislative Council (unicameral parliament), the judiciary, and the only labor union (National Union of Zairian Workers) are all organs of the party.

A complex of security organizations, notably the civilian National Documentation Agency, the paramilitary gendarmerie and civil guard, and the armed forces share responsibility for identifying and controlling potential internal and external threats to Zaire and the Government. Their broad powers and influence can lead to arbitrary harassment and detention of ordinary citizens as well as suspected political opponents of the Government.

Zaire has a mixed economy. Though major mining and transportation activities are state owned, private enterprise is the rule in the other sectors, with the State often holding a minority equity position in larger firms. Zaire shares the economic problems of most sub-Saharan African countries, including low income levels, inadequate infrastructure, low world prices for export commodities, and a high foreign debt. However, after several unsuccessful starts, Zaire's extensive economic reform program, initiated in January 1983, had achieved significant progress in stabilizing the economy by 1986.

Credible allegations of serious human rights abuses continued to be heard in 1986. One positive development was the loss of much of the momentum in the 20-year-old insurgency in eastern Zaire when the Government succeeded in negotiating the peaceful surrender of 1,500 persons, including rebel soldiers and their families. No major military actions were reported along the shores of Lake Tanganyika between Uvira in Kivu province and Moba in Shaba province, a village that was attacked by rebel forces in both 1984 and 1985. Former rebels in eastern Zaire who turned themselves in to government forces have reportedly been accorded humane treatment, and most have returned to their home villages. With the insurgency waning, no reports of civilian casualties appeared. In contrast, the Government lessened its efforts to reconcile differences with political dissidents, and leading members of a group advocating the legalization of a second political party were rearrested and subsequently exiled to the interior of the country in June and July. Despite some positive steps in November to improve the administration of justice and check excesses, harassment of citizens by law enforcement personnel and inordinate delays in processing of detainees remained serious problems at the end of the year. The Government also banned activities by the Jehovah's Witnesses and several other minor religious groups.

ZAIRE

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Fighting between rebel and government forces produced allegations of politically motivated casualties in eastern Zaire in 1984 and 1985. There were no substantiated incidents of such killing for political motives in 1986. However, dissidents advocating establishment of a second political party, the Union for Democracy and Social Progress (UDPS), have published a list of UDPS members allegedly killed while in detention. It is impossible to confirm these allegations.

b. Disappearance

Rumors of the disappearance of detainees surface from time to time. There were no credible reports that such disappearances took place in 1986.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Government states that it does not condone torture and denies allegations that torture is administered by its officials during interrogation. Amnesty International, on the other hand, has on numerous occasions alleged, most recently in a report dated March 1986, that the Government is responsible for arbitrary arrests, torture, and extrajudicial executions. Amnesty's report refers to acts allegedly committed by Zairian armed forces in Shaba in the period July 1984-July 1985. Amnesty maintains that torture and physical mistreatment of detainees is routine in most Zairian places of detention. It is likely that physical mistreatment of detainees, particularly the use of undue force at the time of arrest and during preliminary interrogation, is common practice. There are regular reports of unsanitary and overcrowded facilities, malnutrition, and starvation among prisoners. A lack of concern at senior levels, incompetence, corruption, and limited funding all contribute to these problems, although they also stem from ingrained social and economic factors. A commission established in 1985 to investigate prison and judicial performance continued its work, albeit at a slow pace. The Government's failure to provide additional resources hampered efforts to expand its activities in the interior of the country, where the situation is as serious as it is in Kinshasa.

Undisciplined and underpaid police and military personnel often abuse their authority by harassing and extorting money from civilians, who have reportedly been killed in some of these incidents. Because of the popular discontent these practices create, authorities are making efforts to improve the discipline of security personnel. Soldiers in the Shaba region, for example, have been instructed to improve their treatment of civilians, and the head of the gendarmerie in Kinshasa has instituted a campaign against police agents who prey upon the population. In November the military intelligence service was dissolved, and several of its officers were discharged from the army for abusing their authority. In a related development, a number of paramilitary civil guards were discharged and publicly criticized for

illegally harassing the civilian population. Despite the ongoing campaign to check the excesses of security personnel, serious problems remain.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and prolonged detention without charges remain common occurrences, affecting most people who come into contact with the criminal justice system. By law those arrested must be brought before a magistrate to hear charges within 48 hours of arrest. In practice, however, suspects are often arrested and held for months without a hearing. Detainees with financial resources are known to buy their way out of detention without the charges ever being filed.

When formally arraigned, most political detainees are charged with subversion or "damage to the internal security of the State." Judicial and nonjudicial sanctions are authorized by law against persons suspected of threatening state security. In practice, most individuals detained for political reasons are held by means of nonjudicial sanctions which range from administrative detention and house arrest to internal exile to villages of origin and restriction of movement and travel. They are not formally charged or tried, remaining in detention or internal exile arbitrarily until the President chooses to release them. Such arrests and relegations are made openly, and the whereabouts of detainees are known, at least unofficially, although it is sometimes not acknowledged by the Government.

Estimates of the number of people detained or sentenced for essentially nonviolent expression of political beliefs vary greatly and are often out of date as detainees are released or others arrested, often for short periods of time. Estimates at the beginning of 1986 ran from 50 to 60. A number of militants of the UDPS, including 6 of the 13 former parliamentarians who initially founded the UDPS, were sent into internal exile in June 1986. Two of these leaders, Tshisekedi wa Mulumba and Kanana Tshiongo, were tried for insulting the President and sentenced to 18 months imprisonment in January, released in February, and rearrested and internally exiled in June. UDPS sources abroad have listed 36 members detained in Zaire as well as another 37 relegated, and they allege that this list is incomplete. In addition, there are reports that some persons detained for political beliefs are not associated with the UDPS. On the other hand, the detention of large numbers of persons in Kalemie and Moba following the rebel attacks in 1984 and 1985 has ended. The best estimate of the number of political detainees (including those relegated to their native villages) and prisoners at the end of 1986 was 80 to 90. The Government maintains that it holds no political prisoners. There were no known cases of exile or expulsion of Zairians from the country in 1986.

Zairian legislation provides for compulsory civilian service for graduates from pedagogical and technical institutes, and a government ordinance authorizes imprisonment with compulsory labor for tax defaulters. There are no known instances in which tax defaulters have actually been sentenced to compulsory labor, although imprisonment at hard labor is a common sentence for those convicted of crimes.

ZAIRE

e. Denial of Fair Public Trial

Defendants are guaranteed the right to a public trial and defense counsel by the Constitution. In practice, however, most citizens are not aware of these rights, and there is an insufficient number of lawyers in Zaire to provide adequate counsel to most defendants. When available, defense counsel generally function freely and without coercion from the Government in nonpolitical cases. Most defendants who are aware of their rights avail themselves of the right to appeal. Decisions of the Court of State Security involving national security, armed robbery, and smuggling are not subject to appeal, although all other procedural protections of the criminal code do apply. Military court procedures also do not provide for appeal. While military courts generally try only cases involving military personnel, in time of emergency or during military operations, the President can suspend civilian courts and transfer jurisdiction over all cases to military courts (as was done in the Moba-Kalemie area in late 1984).

There is criticism of the judicial process on two levels. At the political level, all judges are subject to party discipline. The result is that, while judges in fact perform their function without political interference in the great majority of cases, in sensitive or highly politicized cases they operate under implicit or explicit constraints from the executive or security forces.

At the daily operational level, there is concern that, in addition to the security authorities harassing citizens, some poorly paid magistrates also seek bribes and apply the full rigor of the law essentially to those who are unable to pay such bribes. In response to these concerns, the Government took steps in 1986 to improve the administration of justice. In November President Mobutu turned over the Ministry of Justice and the judiciary to a senior political figure, charging him with reforming the system and announced the creation at the Executive Council (ministerial) level of a Department of Citizens' Rights and Liberties, which is headed by an influential former Supreme Court justice. The new Department is charged with placing representatives throughout the country at zone (county/ward) level and in all major enterprises, both public and private, and is responsible for investigating the complaints of Zairians who feel that their legal rights have been abridged by administrative, military, or judicial agents. In cases where such abuses are identified, the Department of Citizens' Rights and Liberties is empowered to offer redress to the victims of unjust decisions. A first result was the announcement at the beginning of 1987 of the release of 165 detainees who had been imprisoned under "irregular conditions."

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Party and state security organizations extend down to the neighborhood level, and both maintain liaison offices in all government agencies (including military units, universities, the Legislative Council, ministries, etc.). Party officials, civil servants, armed forces personnel, parliamentarians, and employees of state enterprises pay an obligatory tax to support the activities of the party's major organs (cadre training, mobilization, propaganda, and youth). These party

cadres are also required to attend the party's training institute. Nonattendance can result in reprimands and suspensions. Government employees, market vendors, and blue-collar workers are often required to participate in public events--parades, official arrival and departure ceremonies, etc.--or risk being suspended from their jobs. In line with the party-state's ideology of "Zairian authenticity," Zairian men are forbidden to wear ties and women to wear slacks or wigs. Zairians are also forbidden in principle to use non-African names.

Judicial warrants are required by law before the police are permitted to search a home, except in cases of threats to national security. In practice, however, police and security authorities enter and search homes without such warrants. Mail is opened sporadically by security services, some telephone conversations are tapped, and government informers monitor places of residence as well as of work. In civil cases where defendants have been found guilty of fraud or embezzlement from the Government, their property and homes can be confiscated without reimbursement.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution guarantees the right of all citizens to express freely their opinions and feelings, either orally or in writing, but subordinates that and all other rights to the need to ensure "public order and good conduct." All Zairians are automatically members of the sole political party, the Popular Movement for the Revolution (MRP). The ideology of the MRP, and thus the only acceptable public profession of political thought, comprises the views and policies of the party's president and founder, President Mobutu Sese Seko. As in many one-party systems, the theater, songs, and all-pervasive street gossip are important forums for communicating popular opinions and news.

Radio and television are owned and operated by the State. The major newspapers are privately owned but are believed to depend upon significant government subsidies for survival. In addition, they receive most of their news from the Zairian National Press Agency (AZAP), a state organization. The media are expected to promote the ideals and principles of the sole political party. Generally, publishers and editors are active party members. Commentary on politically sensitive internal issues as well as on foreign policy options is discouraged, and direct criticism of the President is forbidden. While journalists are circumspect in their criticism of other high officials as well, criticism of certain government practices, inadequate services, and corruption frequently appears in print.

Media censorship tends to be self-imposed, but in certain situations political authorities restrict the scope of journalistic inquiry by both Zairian and foreign journalists. In 1986 one Zairian magazine was banned and its publisher detained without charge for over 6 months when he printed articles which criticized actions of high government officials. The foreign representative of an international news syndicate was expelled from Zaire for filing reports that were unflattering to the Government, and several other foreign journalists were denied permission to visit Zaire to report on

topics which the Government did not wish broached. All foreign journalists wishing to visit Zaire must receive prior permission from the Ministry of Information, and Zairian journalists must be members of the press union in order to practice their profession. The threat of ouster from the union and consequent loss of livelihood are strong inducements toward self-censorship. There are several clandestine presses which operate sporadically, printing flyers and handbills critical of the Government and various Zairian leaders.

Artistic and academic freedom of expression are subject to the same restrictions and self-censorship as the press. Mandatory membership in professional organizations and well-developed informer networks serve to discourage dissent. From time to time, books, films, and certain issues of newspapers and magazines are banned. Imported publications, including books and periodicals, are subject to censorship if they are critical of Zaire or its Government.

b. Freedom of Peaceful Assembly and Association

Only the party and its affiliates may hold public meetings. The Government permits the existence of nonpolitical associations, but in principle they must notify authorities when they plan meetings or activities involving more than five people. The Government can also prohibit meetings which continue after 9 p.m. Meetings of nonofficial organizations and of some religious sects (see Section 2.c. below) have been disrupted on occasion by government agents because of suspected political activities.

The labor movement in Zaire is limited to one national union, the National Union of Zairian Workers (UNTZA), which is an integral unit of the sole political party. The secretary general of UNTZA is a member of the party's central committee, and union officials at the regional level serve on regional party committees. UNTZA has the right to bargain collectively with employers and provides significant social and educational services to members and their families. It works with the Government to improve worker benefits. However, it is unable to promote worker interests or defend worker rights which run counter to government policies. The right to strike is included in the labor law, but because the law establishes lengthy and mandatory arbitration and appeal procedures which result in the resolution of most labor disputes, in practice lawful strikes do not occur. There were nonetheless several short, unauthorized, but tolerated strikes in the private sector during 1986 which generally succeeded in focusing government and management attention on union concerns.

Membership in UNTZA is compulsory for civil servants, employees of state enterprises, and employees of private firms with at least 20 employees. The union claims over 1 million workers as dues-paying members. However, the overwhelming majority of the work force is self-employed, either in the unofficial sector or in subsistence agriculture, which is not covered by the union. UNTZA participates actively in the International Labor Organization and the Organization of African Trade Union Unity and maintains ties with a number of foreign labor confederations.

c. Freedom of Religion

Zairians enjoy freedom of religion, which is recognized in the Constitution. The Government officially sanctions most of the

major world religions and provides procedures for new churches to obtain government recognition. Traditional African religious groups are tolerated but not officially recognized. The three major religions in Zaire are Catholicism--50 percent, Protestantism--36 percent, and Islam--5 percent. In 1986 the Government took firm steps to clamp down on a number of religious groups considered to be politically deviant or dangerous. Several sects and religious groups, including the Jehovah's Witnesses, were banned, thus effectively preventing them from operating in Zaire. The Government officially charged these groups with: (a) intentional fraud in financially bilking the public; (b) subversive activities such as operating fronts for opposition political movements; or (c) refusing to participate in civic demonstrations (saluting the flag, singing the national anthem, etc.) and/or the party's political "animation" sessions. For example, the Government banned religious meetings in Mbuji-Mayi, the capital of Kasai Oriental and a traditional center of Baluba antipathy to the central Government. It also banned 10 unconventional groups in Mbandaka, the capital of Equateur region, citing antisocial activities. Members of these banned organizations reported that some of them had suffered officially sanctioned abuses such as beatings, destruction or seizure of personal and church property, fines, imprisonment, and expulsion from schools or workplaces.

Officially recognized religions are free to establish places of worship and to train clergy. Most churches maintain active links with coreligionists outside the country, and expatriate missionaries are allowed to proselytize and to serve both Zairian and expatriate congregations. However, some expatriate Jehovah's Witness missionaries were required to leave the country. Affiliation with a recognized religion confers neither advantage nor disadvantage with respect to secular status.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government at times imposes special documentation requirements for travel to areas of unrest or security concern. As noted earlier, the Government also restricts some dissidents to villages of origin. All citizens, refugees, and permanent residents must carry government-issued identity cards, and police and military personnel often set up checkpoints along major roads to inspect papers. Those whose papers are not in order must pay a fine or spend time in jail. In principle, any Zairian citizen may obtain a passport and exit visa, although on occasion government and security officials have impeded issuance in order to prevent or disrupt travel of persons suspected of political opposition to the Government. A married woman must have her husband's permission before obtaining a passport.

At the end of 1986, there were 53,000 officially registered Zairians living as displaced persons or refugees in neighboring countries. Many refugees and displaced persons have returned under amnesties declared in 1978 and 1983, and negotiations occur sporadically with refugee groups or the countries where they reside for additional repatriations. It is likely that many Zairian displaced persons could return to Zaire if they wished. A number of political opponents of the Government, however, live in self-imposed exile in Europe and

probably could not return safely without renouncing their political views.

In September 1986, Zaire was providing a safe haven to approximately 325,000 displaced persons from neighboring countries. Generally such people pass freely into Zaire and are allowed to settle on the land or seek employment. The Government considers them to be resettled until such time as they decide to return to their country of origin. Although the Government generally accepts displaced persons, it does not have the resources to provide assistance beyond free land, and international agencies play an active role in providing humanitarian assistance. At times, displaced persons from neighboring countries (particularly Angola) have been detained, harassed, or closely monitored by security forces on suspicion of illegal political activity.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have no right to change their Government through present institutions. Political power in Zaire is highly centralized and controlled by the President, who makes all important decisions. Under Zaire's Constitution, the State is essentially the executive organ of the country's sole political party, the Popular Movement of The Revolution. Party congresses meet every 5 years under the guidance of the President to set national political guidelines, which are then supplemented by resolutions of the party's central committee. These policies are executed by the Prime Minister and Cabinet, both appointed by the President. Advocacy of a multiparty system or opposition to the party-state are both unconstitutional and illegal, as are actions which question the authority of the President and the political system.

Suffrage is universal over age 18, and voting is mandatory, enforced by penalties including fines or arrest. The national Parliament, municipal councils, and rural and urban zone councils are chosen by direct popular elections which take place every 5 years, with the next one scheduled for 1987. All candidates are screened by party committees at the appropriate level, but voters generally have a choice of several candidates. President Mobutu was reelected in 1984 with no opposition to a third 7-year term in office.

Since 1980 a group of former parliamentarians has been involved in an effort to establish a second political party, the Union for Democracy and Social Progress (UDPS). Their efforts have been rebuffed by the official party and by the President, and they have suffered arrest and detention at various times over the past 6 years. Members of the group, including most of its leaders, were sent into internal exile in June 1986 after a dialogue between UDPS leaders and President Mobutu failed to convince the UDPS to rejoin the official party. A significant number of other UDPS members remain in detention at various locations around the country.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government stresses the importance of the principle of noninterference by outside organizations (and states) in its internal affairs but maintains that Zaire has nothing to hide

in terms of human rights policies, and it denies charges of systematic or serious violations. Its attitude toward external investigation of alleged human rights violations has in practice been mixed. Zaire has in the past cooperated with the International Committee of the Red Cross (ICRC), which has had permanent representation in Zaire since 1978. In the first 6 months of 1986, it permitted the ICRC to visit detention centers and prisons both in Kinshasa and the interior of the country. However, Zaire has not permitted the ICRC access to prisons since mid-June, at the time of the arrest/relegation of the UDPS leadership.

In 1986 Amnesty International leveled harsh criticism at Zaire in a series of newsletters and reports, noting, inter alia, its concerns over the 1985 arrest of members of the UDPS. The Government has generally contended that Amnesty International's reports are inaccurate and biased since they are based upon the testimony of misinformed Zairian dissidents living in Europe. The Government has not allowed Amnesty's representatives to visit Zaire since 1982. However, in October President Mobutu acknowledged publicly that some of Amnesty's more recent allegations were well founded. He cited this finding in explaining the decision to establish the new Department of Citizens' Rights and Liberties. In August Amnesty restated its position that the Government had failed to respond to its many requests to visit Zaire.

A local organization purporting to study human rights issues was inactive in 1986, and in the past it did not address itself to specific Zairian problems, concentrating instead on general issues.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Home to approximately 300 disparate ethnic groups, most of which have their own tribal languages, Zaire has a population of 30.7 million. The Government has sought to defuse disputes based on linguistic or ethnic diversity by adopting French as the official language of government and education. Four vehicular languages--Lingala, Swahili, Tshiluba, and Kikongo--also serve to bridge the communication gap with smaller tribal groups. Many urban Zairians speak Lingala, the languages used in both the army and the capital city, or Swahili in the east of the country. However, the fact that many rural people are unacquainted with these languages complicates their dealings with government and military officials.

The Government strives to counter ethnic divisions by recruiting ministers and other high government officials from all regions and major ethnic groups. One longtime hallmark of the Mobutu Government is an emphasis of the primacy of a Zairian national identity. In 1986 government mediators helped settle at least two interclan disputes. At the local level, the Government recognizes group differences by giving tribal elders and customary chiefs authority in many local matters.

The role of women in Zairian society is given great emphasis in party doctrine. Women's rights to own property and participate in the political and economic sectors are protected by law, and a growing number of women work in the professions, government service, and the universities.

Nevertheless, custom, tradition, and existing law continue to constrain women from attaining a position of complete equality in society. Women generally earn less than their male counterparts in the same jobs. In addition, married women must obtain their husband's authorization before opening a bank account, accepting a job, obtaining a passport, and renting or selling real estate. A new universally applicable family code--which encompasses everything from women's rights to divorce laws to inheritance regulations--has been approved by the Parliament and awaited only the President's signature at the end of 1986.

CONDITIONS OF LABOR

As in much of the rest of Africa, unemployment and underemployment are serious problems. Since independence, the percentage of rural population engaged in subsistence agriculture has actually increased to 75 percent. Zaire has been implementing a stringent program of economic reform since 1983 in cooperation with the International Monetary Fund. Faced with drastically reduced prices for its main export commodities, Zaire has not been able to achieve positive per capita economic growth rates. During the past 4 years, the industrial base has expanded with the creation of several small and middle-sized enterprises. However, the industrial sector as a whole operated at much less than full capacity in 1986. While wages are generally above the minimum wage, that minimum by itself is insufficient to provide an adequate living for a worker. Workers in the formal private sector also benefit from fringe benefit packages making up more than half the total wage package. Many civil servants supplement their incomes through commercial activities, frequently in the informal unregulated sector. Low salaries and job insecurity have contributed to corruption in the Government and military. Recent government reforms include a new minimum agricultural wage, a higher minimum industrial wage, revisions in the Government's personnel system to provide comparable pay for comparable work throughout the military and civil service, and a sizable increase in the wages of civil servants in June 1986.

Worker rights are protected by law, but the fact that such a large percentage of the work force is in the informal sector limits the effectiveness of those laws. The minimum age for employment in Zaire is 14 years. However, many children under 14 are engaged in various income-earning activities and are often a major source of family income. Workers employed in the public and organized private sector have generally acceptable conditions of work: working hours are set by law and collective bargaining and do not exceed 48 hours a week; workers enjoy a full 24-hour rest day per week, and many have a 48-hour weekend; paid holidays and vacations are required by law and are included in all labor contracts; and workplaces are required to meet minimum health standards set by law.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ZAIRE

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	46.0	61.1	48.2
LOANS.....	15.0	20.4	0.0
GRANTS.....	31.0	40.7	48.2
A.AID	25.6	35.5	48.2
LOANS.....	0.0	0.4	0.0
GRANTS.....	25.6	35.1	48.2
(SEC.SUPP.ASSIST.)...	10.0	10.4	24.6
B.FOOD FOR PEACE.....	15.8	20.6	0.0
LOANS.....	15.0	20.0	0.0
GRANTS.....	0.8	0.6	0.0
TITLE I-TOTAL.....	15.0	20.0	0.0
REPAY. IN $-LOANS.....	15.0	20.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.8	0.6	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.8	0.6	0.0
C.OTHER ECON. ASSIST...	4.6	5.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	4.6	5.0	0.0
PEACE CORPS.....	4.6	5.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	7.8	8.3	8.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	7.8	8.3	8.0
A.MAP GRANTS.....	7.0	7.0	6.7
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.8	1.3	1.3
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	53.8	69.4	56.2
LOANS.....	15.0	20.4	0.0
GRANTS.....	38.8	49.0	56.2
OTHER US LOANS.....	9.9	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	9.9	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	158.9	157.7	191.7	1595.1
IBRD	0.0	0.0	110.0	331.7
IFC	0.6	21.9	0.0	27.6
IDA	66.5	91.4	81.7	735.2
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	89.5	41.1	0.0	204.7
UNDP	2.3	3.3	0.0	77.2
OTHER-UN	0.0	0.0	0.0	26.3
EEC	0.0	0.0	0.0	192.4

ZAMBIA

Zambia is a one-party state in which individual rights, basic freedoms, and due process are generally respected while some political rights are restricted. Much of the power is concentrated in the hands of the President, Kenneth Kaunda, who was reelected without opposition to his fifth consecutive 5-year term in 1983. He is advised by a central committee of party leaders and governs through a Cabinet and a Parliament. Candidates for political office at any level must be members of the United National Independence Party (UNIP), but there is strong competition for parliamentary seats within the single-party structure. The President possesses sweeping powers--conferred on him by emergency legislation which dates from 1964--to suspend observance of legal rights in the "interest of state security." The Constitution also allows the National Assembly to suspend basic constitutional guarantees.

The Zambian Intelligence and Security Service is tasked with intelligence gathering and counterespionage responsibilities. In 1986 laws creating a volunteer vigilante force under the Ministry of Home Affairs were enacted. Urban crime and smuggling are widespread and growing, severely taxing the limited capabilities of Zambia's police and military forces. Food riots in Lusaka, the capital, and several other cities in mid-December further strained the security forces and saw the first use of army troops in a civil disorder in 20 years.

Zambia's economy continues to be severely depressed due to factors such as high debt servicing, low prices for the country's mineral exports, low agricultural production, and internal management problems. Also, the rapid rate of population growth is outstripping increases in productivity. There has been a continuing decline in the standard of living, but the Government is taking steps to improve management of the economy and to encourage the private sector.

Following a South African airstrike against Zambia on May 19, there were widespread detentions of persons suspected of being South African spies. A number of these people, primarily white foreigners, were mistreated, sometimes severely. Several governments formally protested mistreatment of their nationals while under detention.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no killings for which there was evidence of political motivation or government instigation.

b. Disappearance

No cases of politically motivated disappearance were known to have occurred.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, but there are credible allegations that police and military personnel have resorted to torture when interrogating detainees. A number of foreign

nationals have alleged that they were detained and tortured in order to extract confessions that they were foreign agents.

The courts frequently order investigations to ascertain if confessions or statements were made after torture or physical or mental mistreatment and have consistently rejected statements obtained under duress. Abuses of prisoners are reported to include beatings, sexual abuse, pain inflicted on various parts of the body, long periods of solitary confinement, and threats of execution or physical mistreatment. Prisoners have successfully sued the State for damages as a result of prison abuses.

Zambian prisons are severely overcrowded, understaffed, and unsanitary. In the past 21 years, the prison population has grown from 5,000 to 11,000 with no corresponding growth in facilities. Medical facilities are meager, but prisoners with serious medical problems are treated in public hospitals. Prisoners are generally segregated by sex, seriousness of offense, and age group. There is no institutional differentiation in the treatment of different categories of prisoners charged or convicted under civil or criminal statutes.

d. Arbitrary Arrest, Detention, or Exile

Under the state of emergency, in effect since independence in 1964, the President has broad discretion to detain or restrict the movements of persons. Detention procedures have been revised to conform with the provisions of the Constitution and have increased the President's authority. The President can order that a detainee be incarcerated indefinitely and is not legally bound to accept a court's ruling of acquittal if he still believes that the detainee is guilty. In practice, however, detainees are almost always released if the court finds in their favor. By law, presidential detainees are entitled to formal notification of the reasons for their detention within 14 days of arrest; publication of their detention in the government Gazette; access to counsel; frequent visitation by family and colleagues; immediate representation to the detaining authority; and the right to seek judicial review of the detention order by an independent and impartial tribunal after 1 year. Presidential detainees have their cases heard by the High Court and have the right to appeal to the Supreme Court.

It is estimated that approximately 25 presidential detainees are currently held in Zambia. During 1986 presidential detention was used to arrest about 20 persons. Most of the detainees are seeking their release through court actions, but this can be a slow process which takes anywhere from a few months to several years. Detainees can sue the State for unlawful detention and false imprisonment.

The 22-year old state of emergency also gives law officers and defense personnel extraordinary powers. Police officers of assistant inspector rank and above may arrest without a warrant and detain a person for up to 28 days if the officer has reason to believe that a presidential detention order is justified. Police must provide the detainee with the reasons for his detention within 14 days of arrest. However, there are credible reports that these rights are not always respected. Security officers have broad powers to search suspects and their homes and sometimes act without warrants when looking for smugglers or illegal aliens.

Slavery, involuntary servitude, and forced labor are prohibited by the Constitution. These prohibitions are observed in practice.

e. Denial of Fair Public Trial

The Zambian judicial system consists of a Supreme Court with appellate powers and a series of lower courts, of which the High Court is the most important. Presidential detainees are not automatically guaranteed public trials, but the majority have been tried in public. The safeguards of English common law are provided in court cases not involving presidential detainees. Independent observation confirms the independence of the Zambian judiciary from executive branch influence. The President's power to appoint and transfer judges has sometimes been cited as proof that judicial independence can be compromised. However, there is no evidence that such power has swayed court decisions.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government does not require membership in political organizations and usually does not monitor correspondence or telephones or otherwise interfere in family life. The sanctity of the home is generally respected, except in isolated incidents relating to the national emergency or to roundups of illegal aliens. In such cases, security forces often enter the homes of suspects without search warrants.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There is considerable freedom of press and speech in Zambia, and the press regularly reports criticism of government activities expressed by sources ranging from elected officials to average citizens. The two national dailies are owned by the Government and the party respectively, but substantial commentary critical of party and government performance is permitted. The papers discuss economic policy, corruption, and poor administration. However, negative comments concerning the Head of State, the concept of the one-party state, or the national philosophy, "Humanism", are prohibited. Journalists and commentators know the limits of criticism and also avoid reporting which could lead to charges of libel and slander.

An independent biweekly paper, which is sometimes critical of official policies, is published by an association of churches, and two other independent papers focus on mining and financial subjects. Television and radio are owned and operated by the Government, but frequent panel discussion programs provide for a wide range of views on Zambian issues.

While the possibility of censorship of foreign publications and news items exists, it is seldom invoked. Academic freedom is highly respected in Zambian society, and educators are outspoken in their commitment to an educational system free of government influence. There is little or no governmental influence in matters relating to curriculum, student selection, or faculty assignment.

ZAMBIA

b. Freedom of Peaceful Assembly and Association

Police permits are required for meetings, rallies, or marches. These permits are issued routinely, unless the Government believes the proceedings are likely to be directed against local authorities. While there is a ban on all political activity outside the one-party structure, Zambia has a profusion of trade associations and professional groups which can serve as unofficial pressure groups on various economic, political, and social subjects.

Zambia has a history of strong labor union organizations, dating from the establishment of large copper mines during the 1930's. Zambia's 18 national labor unions, which are organized by industry or profession, are all members of the Zambia Congress of Trade Unions (ZCTU). Member unions defend worker interests, especially regarding wages and conditions of work, and have the right to bargain collectively. Under existing legislation, strikes are permitted only for specific reasons and only after all other recourse has been exhausted. Virtually all strikes are illegal, since they almost always commence before the mandatory process of mediation has run its course. However, the Government has normally relied on persuasion and continued mediation to end strikes once they have begun. A series of wildcat strikes during 1985, involving workers in such important sectors as finance and mining, resulted in a government decree declaring workers in most sectors of the economy "essential" and therefore liable to prosecution for illegal strike action. However, the Government has yet to invoke this decree. The ZCTU is not controlled by the party or Government, and union leaders frequently criticize government policy on such subjects as wages, economic policy, conditions of service, and labor representation in party and government organs. The ZCTU is democratic and regularly conducts open elections to select its leadership. It is active in the International Labor Organization and is a member of the Organization of African Trade Union Unity.

c. Freedom of Religion

Freedom of religion is constitutionally guaranteed and has been publicly supported by President Kaunda. Zambia has no state religion, and adherence to a particular faith does not confer either advantage or disadvantage. Christian missionaries from a wide variety of faiths operate in the country. While Jehovah's Witnesses are prohibited from proselytizing, the sect functions openly, and its freedom not to participate in various secular activities such as voting, singing the national anthem, and saluting the flag, has been upheld in the courts and supported by senior party leaders. Lay associations and religious youth groups operate independently of party control or influence.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The President may, under the emergency legislation, restrict the movement of persons within Zambia, although this authority is seldom if ever used. The Government also reserves the right to refuse to issue or to withdraw passports to prevent foreign travel by persons whose activities are considered inimical to Zambian interests. Such restrictions are occasionally applied. Strict currency regulations also serve to inhibit foreign travel or emigration.

ZAMBIA

Acquisition, loss, or revocation of citizenship is governed by constitutional provisions and laws administered by the citizenship board. However, the President also has power to grant or revoke citizenship on an extraordinary basis.

Zambia has long played host to a considerable refugee population that originates in several strife-torn southern African countries. The United Nations High Commissioner for Refugees (UNHCR) estimates that there are approximately 130,000 refugees in Zambia. The largest group of refugees is from Angola, with significant numbers from Zaire, Namibia, Mozambique, and South Africa. Smaller numbers are from Malawi and Zimbabwe. Many of the Angolans and Zaireans have spontaneously resettled in western and northwestern provinces respectively since the ethnic compositions on both sides of the border are similar. The Zambian Government operates two large refugee resettlement centers, and the Southwest African People's Organization operates one camp.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Since 1973, the United National Independence Party, with an estimated membership of less than 10 percent of the adult population, has been Zambia's sole legal political party. Power is concentrated in the hands of the President as leader of the party and Head of State. He plays a dominant role in determining the membership of Zambia's top executive institutions, the party central committee, and the Cabinet, although traditionally both bodies contain a general balance of regional and tribal representation.

Candidates for political office at any level must be members of the party and are subject to close examination for suitability by senior party authorities. In practice, the political system is open to individuals of somewhat divergent opinions provided they are willing to work within the one-party structure and not challenge the President's preeminent position. In the latest parliamentary elections in 1983, 760 candidates contested 125 seats; 40 incumbents were defeated, including 7 ministers of state.

The National Assembly is reflective of constituent interests and sometimes thwarts or modifies executive branch policies and programs. It can also be critical of such policies, as was demonstrated a number of times in 1986 when members of Parliament railed against government expenditures, poor services, and economic reforms. Presidential and general elections are by universal suffrage, but the numbering of ballots, which could be cross-checked against voter registration numbers, could undermine the secrecy of the ballot.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

While there is no public record of the Zambian Government having been subject to such investigations during 1986, the Government neither encourages nor hinders inquiries or visits by human rights organizations.

Section 5 Discrimination based on Race, Sex, Religion, Language, or Social Status

Economic and social needs and cultural aspirations are met on a generally nondiscriminatory basis in Zambia.

ZAMBIA

Under statutory law, women generally enjoy full equality with men, and women participate increasingly in Zambia's social, economic, and political life. They hold some senior positions in the party, the Government, and the judiciary and are gaining increasing representation in the professions and higher education. In 1986 there were 3 women on the party's 25-member central committee. Nevertheless, the majority of Zambian women still occupy traditional roles. Customary law and practice still compete on a de facto basis in most rural areas with Zambia's Constitution and codified laws. Customary statutes place women in subordinate or unequal status with respect to property, inheritance, and marriage. The Law Development Commission is seeking ways to remove such anomalies. In Zambia's traditional society, women's primary role is bearing and raising children. They also make a major contribution to food production. Female students can be admitted to secondary school with lower passing marks than male students as part of Zambia's "affirmative action" program.

CONDITIONS OF LABOR

Zambian law regulates minimum health and safety standards and worker rights in any industrial undertaking. Boards appointed by the Government, which include worker and employer representatives, fix minimum wages, overtime pay rates, and conditions of employment. Women are excluded from night work and a variety of hazardous occupations. Age restrictions apply to the industrial sector, and there are only a few cases of employees under age 16. However, persons under age 14 are often employed in the commercial and agricultural sectors.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ZAMBIA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	36.4	52.4	19.5
LOANS.....	10.0	10.0	0.0
GRANTS.....	26.4	42.4	19.5
A.AID	21.3	42.4	19.5
LOANS.....	0.0	0.0	0.0
GRANTS.....	21.3	42.4	19.5
(SEC.SUPP.ASSIST.)...	21.3	40.2	17.2
B.FOOD FOR PEACE.....	15.1	10.0	0.0
LOANS.....	10.0	10.0	0.0
GRANTS.....	5.1	0.0	0.0
TITLE I-TOTAL.....	10.0	10.0	0.0
REPAY. IN $-LOANS.....	10.0	10.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	5.1	0.0	0.0
E.RELIEF.EC.DEV & MFP.	5.1	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	36.4	52.4	19.5
LOANS.....	10.0	10.0	0.0
GRANTS.....	26.4	42.4	19.5
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	104.9	124.5	91.1	1244.2
IBRD	75.0	0.0	0.0	655.6
IFC	5.8	0.0	0.0	100.4
IDA	22.4	52.1	91.1	273.7
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	72.2	0.0	134.3
UNDP	0.2	0.2	0.0	32.9
OTHER-UN	1.5	0.0	0.0	5.3
EEC	0.0	0.0	0.0	42.0

ZIMBABWE

Zimbabwe is a parliamentary-style democracy. A single party, the Zimbabwe African National Union-Popular Front (ZANU), dominates the legislative and executive branches of government. The Prime Minister of the Government and President of ZANU, Robert Mugabe, has announced plans to create a one-party state through revision of the Constitution beginning in 1987. The strength and influence of opposition parties, particularly the Zimbabwe African Peoples Union (ZAPU), led by Joshua Nkomo, have declined since independence in 1980. Historical conflict between the two major tribal groupings, the Shona-speaking majority (supporting ZANU) and the Sindebele-speaking minority (loyal to ZAPU), continued, but negotiations were under way throughout 1986 to merge ZANU and ZAPU in a move designed to ease those deeply-rooted tribal and regional differences.

The security forces have three branches. The Zimbabwe Republic Police is responsible for maintaining law and order. Three police units are active in dealing with internal security matters: the Criminal Investigation Division, the Police Intelligence and Security Inspectorate, and the Police Support Unit. All branches of the police report to the Minister for Home Affairs, Enos Nkala. The Central Intelligence Organization (CIO), attached to the Prime Minister's office, has both an intelligence and counterintelligence function. CIO operatives have police powers and can arrest and interrogate suspects in internal security cases. Finally, the armed forces are also involved in internal security, usually in antidissident operations. Most reports of human rights violations in 1986 have been traced to the police. A lesser number of problems have been attributed to the CIO. Unlike in previous years, few reports of human rights abuses have been ascribed to the armed forces.

Zimbabwe has a wide range of resources, including both a strong agricultural and manufacturing base, but its important export-import capacity is heavily dependent on the rail links that pass through South Africa. To overcome this dependency, Zimbabwe has undertaken a major effort, with Western donor support, to revitalize the rail-port system through Mozambique to the town of Beira. In so doing, Zimbabwe has increasingly become involved in the Mozambican civil strife and has committed over 6,000 combat troops in support of the Mozambican Government.

Repeated government efforts to deal with the dissident menace in Ndebele/ZAPU-controlled areas, especially in Matabeleland, form the background to most human rights problems in Zimbabwe and to the continuing state of emergency. In 1986 increasing fears of South African infiltration and possible destabilization in Zimbabwe led to new detentions and arrests. However, overall there was progress with respect to human rights in 1986. After more than 3 years of often severe repression of opposition political leaders and the civilian population in Matabeleland, reports of political killings and disappearances declined dramatically in 1986. Significant numbers of political detainees, including leading political and military figures associated with ZAPU, were released from jail. The Government also instituted orderly repatriation procedures for Sindebele speaking refugees who had fled to Botswana. These developments coincided with efforts by ZANU to preach reconciliation and unity with ZAPU.

ZIMBABWE

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

In a notable change from previous years, there were no reports of political killings by government security forces. In Matabeleland, there was a marked relaxation of tensions in many rural areas attributable, in part, to more disciplined behavior by security forces in actions against armed Zimbabwe dissidents and suspected dissident sympathizers. The Government also sharply curtailed ZANU youth actions which in previous years had resulted in several deaths and considerable destruction of property and terrorizing of ZAPU supporters. In contrast, political killings by armed dissidents continued in 1986. According to official government figures for the 6 months ending June 30, 1986, dissidents committed 57 murders, 46 rapes, and 104 armed robberies. Dissident tactics are often brutal, include torture, and are aimed at members of ZANU, government officials, and civilians accused of "selling out" to the Government.

b. Disappearance

Human rights observers in both Harare and Bulawayo reported no new cases of disappearance in 1986. This contrasted sharply with the situation in 1985, when an estimated 300 to 400 persons were reportedly abducted by government security forces. Little progress has been made in locating these missing persons, almost all of whom were from Sindebele-speaking regions. The families of several missing persons were reported to be preparing legal action against the Government for failure to investigate adequately the disappearances. There was particular international concern about the safety of one refugee, Makhatini Guduza, who was involuntarily repatriated from Botswana in February and turned over to Zimbabwean security officials. He is believed to be in detention, although no human rights monitoring organizations have been able to establish where he is being held.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Reliable reports indicate that the authorities continued to apply torture in many security-related cases, notably against several persons detained after the May 1986 South African raid on Harare. An American citizen detained by police at that time reported seeing cellmates suffering from severe physical abuse.

The most common form of torture appears to be physical beating, including beating the soles of the feet to conceal evidence of mistreatment. Electric shocks are reportedly another, though less common, form of torture. The most notorious technique of torture is reportedly simulated drowning whereby the victim's head is placed in a water-filled canvas bag or lowered into a bucket of water.

Senior government officials strongly deny that torture is condoned but have admitted that isolated, unauthorized instances may have occurred. In July Home Affairs Minister

Nkala warned an audience of police officials that torture would not be tolerated. This warning was preceded by the High Court's awarding of $17,400 in damages ($8,700 to come from Nkala and $8,700 from the officers specifically involved) to an opposition politician who had claimed that he was illegally arrested and tortured. However, despite official disclaimers, reports indicate that prisoner mistreatment continued in 1986.

Available evidence shows that prison conditions in Zimbabwe are generally spartan but not harsh. In particular, there have been allegations of serious overcrowding, poor sanitary and medical facilities, and routine torture in the notorious Stops Camp detention facility in Bulawayo; however, foreign visitors in February found that the Stops Camp, while small and unsuitable for long-term detention, probably was equipped to handle short-term prisoners in a humane fashion. The Lawyers' Committee for Human Rights, a nongovernmental group of American lawyers which has visited Zimbabwe, has noted that there have also been a substantial number of reports of abuses occurring at other detention facilities throughout Matabeleland.

d. Arbitrary Arrest, Detention, or Exile

A state of emergency, renewed every 6 months by parliamentary vote, has been in continuous effect in Zimbabwe since 1965. Under the state of emergency, persons may be detained without an arrest warrant and held up to 7 days before being informed of the reasons for detention. Reasons for detention are often so vaguely worded as to make meaningful representations by the detainee on his own behalf impossible. After 30 days, detainees must appear before an independent review tribunal which can order the detainee's release if evidence is insufficient to warrant continued incarceration. If the tribunal recommends continued detention, however, the case need not be reviewed again for another 6 months.

The Government has made extensive use of emergency powers in vaguely defined security cases, particularly in the absence of solid evidence of wrongdoing. Because the emergency powers regulations do not require any evidence of criminal activity before a suspect may be detained, the professionalism of police investigations has been eroded. The most common reasons for detention under the state of emergency are suspected dissident activity, support for dissidents, or spying for foreign powers, particularly South Africa. Emergency powers have also been used to detain political opponents of the ruling party on allegations of coup plotting.

It is virtually impossible to specify the number of persons currently detained on politically related charges. Many will probably never be brought to trial. In July a group of approximately 60 political detainees (almost all from Matabeleland) were released from jail. At least some of these are believed to have been among the 90 to 100 persons an eyewitness reported finding in the so-called "political block" at a maximum security prison in Harare in June 1986. In August 10 leading opposition politicians and military figures who had been in detention without trial for a year (for alleged coup plotting) were released by order of the Prime Minister. In early December, the Government released another five detainees, including former ZAPU military commander Dumiso Dabengwa, who was acquitted of treason charges in 1983 and redetained under the Emergency Powers Act, and Phillip

Hartlebury and Colin Evans, former CIO officers charged with spying for South Africa, who were arrested in 1981, acquitted in 1983, and then redetained under the same Act.

Dabengwa's release was the culmination of a year-long government effort to improve atmospherics between ZANU and ZAPU. With it, all top ZAPU leaders are now out of detention, as are many lower level ZAPU-affiliated detainees. In announcing the release from detention of the 10 prominent ZAPU-affiliated political and military leaders, the Home Affairs Minister stated that the cases of another 200 lower-level detainees would be reviewed with an eye towards possible release. This number roughly corresponded with independent estimates of the number of detainees held without charges on suspicion of antigovernment activity. In December, however, the Minister stated that only 31 detainees remained in jail. There undoubtably have been piecemeal releases since August in addition to the ones that have been publicized, but observers doubt that the number of political detainees, as defined by human rights groups, has dropped as low as 31.

Zimbabwe law forbids the use of forced labor, and forced labor is not practiced in Zimbabwe.

e. Denial of Fair Public Trial

The number of political prisoners, as distinct from political detainees who have never been brought to trial, is unknown. However, the existing state of emergency regulations that allow security authorities to hold detainees for long periods of time without formally charging them with any crime render distinctions between political prisoners and detainees almost superfluous.

The Government displayed a new willingness in 1986 to prosecute officials suspected of involvement in political killings. In February courts sentenced a ZANU official to death for the murder in 1985 of five members of the opposition United African National Congress (UANC) party. In July courts also sentenced to death four soldiers found guilty of the abduction, torture, and murder in 1983 of an Ndebele army lieutenant, his wife, and two civilian companions. While these examples may help to discourage official violence, many political killings from the 1982-85 period have not been formally investigated and are unlikely to be.

The existence of an independent judiciary in Zimbabwe remains a powerful deterrent to arbitrary arrest and detention, and persons brought to trial in regular criminal/civil cases can be assured of a fair public hearing comparable to that found in most Western democracies. The Government generally has abided by court decisions even when it strongly opposes the ruling. Well-publicized exceptions were the detentions following court acquittal of Dabengwa, Hartlebury, and Evans cited in section 1.d. above. The Prime Minister and Home Affairs Minister also both indicated in 1986 that the executive branch did not consider itself bound to award damages to individuals even if so ordered by the courts. Emergency powers obviously limit the role of the courts, but the Supreme Court in acquitting a political detainee in July declared that the Government can no longer hold detainees by merely citing emergency regulations and prevent courts from examining the alleged reasons for their detention. The judge also criticized the overall handling of the case by the police investigators and Justice Ministry officials.

ZIMBABWE

Zimbabwe's legal system is based on a mixture of Roman-Dutch and English common law practices and procedures and consists of magisterial courts, a High Court, and a Supreme Court. All trials are open to the public, except in very rare cases where the Government orders proceedings to be held in camera. Defendants must retain their own legal counsel as there is no provision for public defenders. Defense counsel can present evidence and confront witnesses. The right to appeal exists in all cases.

With only 400 lawyers nationwide and a shortage of experienced magistrates, Zimbabwe's judicial system is hard pressed to cope with ordinary criminal case loads. Long pretrial delays are thus common. Bail is left to the discretion of the courts, although the Government can order the refusal of bail in any case. The Government has made extensive use of this prerogative in security-related cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution formally protects citizens from arbitrary search or entry. Under emergency powers regulations, however, any police officer may stop and search any person or enter any area without a warrant where he has "reasonable grounds" for believing evidence of a crime may exist. Although no cases have been brought to the courts, it is widely believed that the Government also continues to monitor private correspondence and telephones. Several government employees privately complained in 1986 of obvious tampering with their correspondence.

The right of citizens to refrain from associating with political parties and organizations is not always respected in Zimbabwe. Informal pressure has been brought to bear on persons who refuse to identify publicly with the ruling party. For example, there were numerous reports in 1986 of job seekers suffering discrimination for failure to produce a ZANU membership card. The Government does not officially approve such discrimination but has not moved decisively to curtail it. Similarly, reports from low-income suburbs around Harare indicate that ZANU activists and youth cadre have forced unwilling citizens to attend ZANU rallies, a practice which was particularly widespread in 1985 during the general election campaign. Perhaps because of vocal public resentment and the danger of a popular backlash against ZANU, a senior government minister publicly warned party activists in August to discontinue this activity.

Zimbabwean law prohibits "kuzvarira," or pledging of young girls to marriage partners not of their own choosing. However, unless the girl is well educated and outspoken, marriages based on "kuzvarira" still occur within the traditional setting and without knowledge of the courts.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Zimbabwe Constitution guarantees freedom of expression but allows for legislation limiting this freedom in certain cases as, for example, when the "interests of defense, public safety, public order, the economic interests of the State, public morality and public health" are involved.

ZIMBABWE

The Government tends to interpret broadly its power to discourage free speech. For example, numerous persons were arrested in 1986 and charged with misdemeanors under the Miscellaneous Offenses Act for uttering remarks disrespectful of the Prime Minister and/or government policies. At public events, it is generally assumed that speakers are under surveillance and may be subject to follow-up police action if the remarks are judged too controversial. Even in private gatherings, Zimbabweans are often reluctant to voice political complaints openly, particularly if they do not know their interlocutors well.

Zimbabwe's major print media (five English-language newspapers and one vernacular broadsheet) are government controlled. Television and radio are wholly government owned. Senior media officials follow the official government/ruling party line closely and practice a high degree of self-censorship. Press coverage which disputes the main lines of government policy, criticizes the ruling party, or questions the actions of senior government or party officials is rare.

There were some examples of journalistic autonomy in 1986, however. The media uncovered several instances of official corruption and reported them. The government-controlled press provided at least partial coverage of stormy parliamentary debates involving personal attacks on governmment ministers. There were also a number of reports criticizing inefficiency or poor planning in selected social and economic areas.

The independent weekly Financial Gazette focuses on business news but exhibits more investigative range (including political converage) and analytic depth than government-owned media. In October Information Minister Shamuyarira accused the Financial Gazette of serving as a "mouthpiece" for foreign powers after the paper published an editorial questioning Zimbabwe's ability to withstand possible South African counter sanctions. The Minister threatened unspecified action against the paper unless it modified its reporting and editorial procedures. The Financial Gazette hit back with a stinging editorial in defense of press freedom. Thus far, no official action has been taken against the paper. The same week, the Minister warned a small Jewish publication in Bulawayo against propagating Zionist ideas. The publication, essentially a religious newsletter which avoids political issues, was instructed to "tone down." In March the Minister summoned a Zimbabwean correspondent for a Western press service to his office and threatened to imprison the reporter if alleged "anti-Zimbabwean writings" continued.

In 1986 at least three Zimbabwean journalists working for foreign press organizations were threatened with detention and as a result left the country. They were accused of writing articles for the foreign press which the Government considered objectionable.

b. Freedom of Peaceful Assembly and Association

The Constitution formally guarantees the right of assembly and association for political and nonpolitical organizations, including a broad spectrum of economic, professional, social, and recreational activities. In practice, there are serious obstacles to the full exercise of this right, particularly in the case of political associations.

ZIMBABWE

Police permits are required for public meetings and political rallies. Few opposition political rallies took place in 1986. The most notable one occurred in Bulawayo in March when ZAPU leader Joshua Nkomo urged a crowd of 50,000 followers to cooperate with the Government in combating dissidents in Matabeleland. The low level of overt opposition activity in 1986 reflects both the continuing decline of opposition parties and a presumption that even if permission to hold public meetings were requested it generally would be denied. Minority parties were also cautious as a result of the turbulence of 1985, when legal opposition rallies were broken up by thugs, and opposition party members were harassed by ZANU youth gangs. Although there was no repeat in 1986 of this open intimidation, a legacy of fear remains.

In contrast to the closely circumscribed activities of minority parties, ZANU continued in 1986 to organize mass meetings throughout Zimbabwe. The implicit message was that membership in the ruling party is a sign of loyalty and patriotism (as well as an advantage in terms of professional and social advancement), whereas identification with minority parties is a form of political deviance.

There are numerous nonpolitical business and employers' organizations, professional associations, and recreational and sports clubs, and they are generally free of governmental interference. One important exception occurred in late 1985 when civic leaders and private citizens attempted to form a booster committee for the city of Bulawayo. Police pressure caused the committee to disband. The example illustrates the Government's sensitivity to any associative activity with even remote political connotations.

Under the comprehensive labor legislation passed in 1985, labor has the right to organize and bargain collectively. However, the Government sets all wages and wage increases and issues regulations regarding hiring and firing, thus effectively preempting a major function of the collective bargaining process. In addition, Zimbabwe law permits only "collective job action" which does not impact on "essential services." Essential services are determined by the Minister of Labor after consultation with employers and publication in the Government Gazette. It is widely believed that any strike action would be met by government resistance and effectively negated by the Government's legal authority to declare any service "essential." The Government and the ruling party also exhort the unions, and the umbrella organization, the Zimbabwe Congress of Trade Unions (ZCTU), to work with them to achieve the reorganization of social and economic life in Zimbabwe.

Despite these limitations, and the early stage of union development (union membership represents 17 percent of Zimbabwean workers), labor has begun to exert some influence through public debates with the Government and has even used the threat of strike action on wage issues. Although no strike action has been taken (and is unlikely), the ZCTU has become more vocal in its demands and incurred private reprimands from the Government.

Unions have the right to affiliate with international organizations. The ZCTU belongs to the Organization of Africa Trade Union Unity and the Southern African Trade Union Coordination Council and has contacts with both Western and East bloc trade unions. Zimbabwe is also a member of the International Labor Organization (ILO).

c. Freedom of Religion

Freedom of religion is respected in Zimbabwe. There is no state religion, and various denominations are permitted to worship openly, pursue social and charitable activities, and maintain ties to affiliates and coreligionists abroad. Religious belief is neither a handicap nor an advantage in terms of professional or political advancement. A number of senior ZANU officials are, in fact, clergymen. Many government leaders received their education in mission schools. Elective courses in religious studies are part of the secondary school curriculum.

Several well-publicized clashes involving the Government and individual churches occurred in 1986. These, however, appear to have resulted from local disputes rather than from any official effort to curtail religious freedom. For example, in March the Anglican cathedral in Mutare was taken over by a mob led by a local ZANU official. Services were disrupted, several persons injured, property was damaged, and the local Anglican bishop forced to flee. Police failed to intervene. The conflict stemmed from a church decision to replace a local mission headmaster, who mustered local political pressure on the church to reverse its decision. Other government disputes with churches have involved one denomination's resistance to mandatory inoculations for school children and temporary closure of another church due to fighting within the congregation. In both cases, the Government successfully negotiated a resumption of normal religious activity.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Travel at home and abroad is not subject to official restrictions, although travel restrictions have been occasionally applied when it was believed individuals might criticize the Government before foreign audiences. This practice does not appear to be widespread. A more serious practical obstacle to foreign travel is currency control, which limits the amount of money ($260) that nationals can carry out of the country each year on tourist travel.

Immigration is not restricted, although persons who have left the country are not guaranteed the right to return if they were not born in Zimbabwe. With unexpected numbers of whites who had left Zimbabwe for South Africa now returning, the Government has initiated security-risk checks as part of the return process. Applicants must also demonstrate proof of livelihood. The new regulations do not apply to Zimbabweans who have been abroad as diplomats, students, or workers in branch offices of Zimbabwe-based firms.

Repatriates from South Africa are viewed also as economic competition to black Zimbabweans. Many have taken lesser paying jobs upon their return to Zimbabwe. Another significant group of repatriates consists of political refugees who have returned primarily from Dukwe Camp in Botswana. Almost 700 of these repatriates have reentered Zimbabwe since December 1985. How they have fared is not known, since they dispersed after reentry. Zimbabwe has accepted at least 26,000 displaced persons from Mozambique, who are accommodated in camps near the Mozambican border. These persons, whom the Government intends to repatriate eventually to Mozambique, are for the most part fleeing civil

strife and economic deprivation. There are smaller numbers of South African, Angolan, and Namibian refugees in Zimbabwe. Political refugees from Kenya have also been given asylum.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Zimbabwe is a multiparty, parliamentary-style democracy fashioned after the Westminster model. Members of Parliament represent electoral districts and are chosen by direct, universal suffrage, albeit with black and white voting rolls. The Prime Minister is Head of Government, is responsible to Parliament, and is also head of ZANU. He presides over the Cabinet, which is the executive decisionmaking body. While decisions in Cabinet are made by consensus, there are few known instances of cabinet ministers overruling the preferences of the Prime Minister.

In general elections in 1985, ZANU consolidated its position as the preeminent political party in Zimbabwe. ZANU now controls 66 of 100 seats in the House of Assembly, while the main opposition party, ZAPU, holds 14 seats and another opposition party, ZANU-S, retains 1 seat. Of 20 House of Assembly seats reserved for whites, Ian Smith's Conservative Alliance holds 14, the Independent Zimbabwe Group counts 4 seats, and there is 1 unaffiliated white member. One white conservative parliamentarian defected to ZANU in 1986. Although ZANU's clear parliamentary majority guarantees control over the legislative branch, the ruling party still lacks the requisite 70 votes to introduce fundamental changes in the Constitution. Beginning in 1987, portions of the Constitution can be revised by a 70 percent vote in the House of Assembly.

Prime Minister Mugabe has announced his intention to proceed towards establishment of a one-party state. He has also indicated that the separate white electoral roll will be eliminated in 1987, as permitted in the Constitution. Creation of a one-party state in Zimbabwe is expected to significantly alter the current governing arrangement whereby opposition parties, although discriminated against and discouraged by the Government, still play an important role in preserving democratic processes.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged violations of Human Rights

The Zimbabwean Government is highly sensitive to charges by international, nongovernmental organizations of human rights abuses in Zimbabwe. Amnesty International reports on Zimbabwe and its sustained efforts to get the Government to investigate human rights abuses were vehemently denounced in Parliament by the Prime Minister and other senior ministers as "lies." Home Affairs Minister Nkala publicly charged on several occasions in 1986 that Amnesty and several foreign governments interested in human rights problems, including the United States, were actively providing assistance to armed groups seeking to overthrow the Zimbabwe Government. The Government has attempted to frustrate the investigative activities of the Lawyers' Committee for Human Rights, which published a major study in 1986 on the human rights situation in Zimbabwe. Nkala also publicly accused the group of being under the control of the Central Intelligence Agency.

ZIMBABWE

In August the Home Affairs Minister convoked representatives from all nongovernmental and private voluntary organizations active in Zimbabwe and warned them of severe penalties for passing information on alleged human rights violations to foreign-based watchdog groups. Nkala said that a cabinet decision had been made to suppress the flow of "false" information to human rights monitoring groups and that a cabinet committee had been formed to pursue the matter.

These actions appear to signal a government crackdown on human rights reporting in Zimbabwe. At the same time, senior government officials have continued to publicly deny that human rights abuses occur in Zimbabwe except in exceptional and unauthorized cases. In line with these denials, the Government has consistently refused to respond to an offer by the International Committee of the Red Cross to provide protection assistance (visits) to prisoners.

Despite hardline public positions, there is evidence of private governmental concern about human rights practices in Zimbabwe and the negative image Zimbabwe has acquired abroad. Prominent foreigners for example, were allowed to inspect the Stops Camp detention facility in Bulawayo, where torture and prisoner mistreatment is alleged to have occurred. In June the Prime Minister intervened almost immediately following intercession by local and international human rights groups to order the release from detention of prominent human rights activists Michael Auret and Nicholas Ndebele, the top officials of the Zimbabwean Catholic Commission on Justice and Peace. Also, senior government ministers have on several occasions privately expressed a willingness to investigate cases involving alleged human rights abuses and to seek remedial action if necessary.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Government services in Zimbabwe are provided on a nondiscriminatory basis, and the Government has been able to work with the previously "whites only" infrastructure in urban areas to provide health and other social services services to all. However, in many rural areas the neglect of the preindependence period still leaves the Government struggling to provide minimum care. Many blacks on commercial farms are still in a semifeudal status, dependent mainly on white farmers to provide basic care and schooling.

The Minister of Labor mediated several cases in 1986 of charges of white employers discriminating against black employees. In some cases, companies have reinstated or promoted black employees following the Ministry's investigations. In social terms, Zimbabwe remains a racially stratified country, despite bans against official discrimination. While schools, churches, and clubs are all integrated, there is limited social interaction between racial groups. The "colored" (mixed race) community has complained of discrimination by Government in allocation of civil service jobs.

Efforts to change ingrained cultural practices are under way, but women still bear a heavy burden of discrimination in Zimbabwean society. All women are still vulnerable to traditional law, particularly concerning inheritance practices. The proposed Intestate Succession Law, dealing

with inheritance when there is no valid will, aims to prevent any distribution of property before the court has been informed of a death and an officer is appointed to administer the estate. The court will not distribute the estate unless the surviving spouse and children are allowed to live in the family house. The contribution of wives to family property was recognized in the Matrimonial Causes Act passed in late 1985, which requires that family assets be distributed equitably when couples divorce. Despite the Government's actions on women's rights, the tradition of "lobola" (bride-price) continues. Police attempts to crack down on prostitution in 1986, prior to the Non-Aligned Movement Summit meeting, led to the indiscriminate harassment and detention of numbers of innocent women and sparked public and parliamentary debate.

CONDITIONS OF LABOR

The 1985 Labor Relations Act calls for strict enforcement of acceptable standards of health and safety. Under Zimbabwe law, the working age for the formalized economy is 18, but it is possible to begin an apprenticeship at age 16. The workweek can be as high as 60 hours, but averages 44 hours. The law prescribes a 24-hour rest period each week. There were 14,000 work-related accidents and illnesses in 1985 among the 1 million workers covered by government labor statistics.

Minimum wage levels in Zimbabwe are set by the Government along sectoral lines. The current level for agroindustrial workers is about $73 per month. The minimum for domestics is $57. The Zimbabwe Congress of Trade Unions has called upon the Government to establish a minimum "living wage" for its members of $162 per month. The Government has responded by saying that future increases will be tied to increases in national productivity, which will not permit the substantial increases in the foreseeable future that would be required to meet the unions' demand.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ZIMBABWE

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	47.8	50.5	12.8
LOANS...	0.0	8.0	0.0
GRANTS...	47.8	42.5	12.8
A.AID ...	41.0	40.9	12.8
LOANS...	0.0	0.0	0.0
GRANTS...	41.0	40.9	12.8
(SEC.SUPP.ASSIST.)...	40.0	40.9	10.6
B.FOOD FOR PEACE...	6.8	9.6	0.0
LOANS...	0.0	8.0	0.0
GRANTS...	6.8	1.6	0.0
TITLE I-TOTAL...	0.0	8.0	0.0
REPAY. IN $-LOANS...	0.0	8.0	0.0
PAY. IN FOR. CURR...	0.0	0.0	0.0
TITLE II-TOTAL...	6.8	1.6	0.0
E.RELIEF.EC.DEV & WFP.	6.8	0.0	0.0
VOL.RELIEF AGENCY...	0.0	1.6	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS...	0.0	0.0	0.0
GRANTS...	0.0	0.0	0.0
PEACE CORPS...	0.0	0.0	0.0
NARCOTICS...	0.0	0.0	0.0
OTHER...	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.2	0.2	0.2
LOANS...	0.0	0.0	0.0
GRANTS...	0.2	0.2	0.2
A.MAP GRANTS...	0.0	0.0	0.0
B.CREDIT FINANCING...	0.0	0.0	0.0
C.INTL MIL.ED.TRNG...	0.2	0.2	0.2
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS...	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	48.0	50.7	13.0
LOANS...	0.0	8.0	0.0
GRANTS...	48.0	42.7	13.0
OTHER US LOANS...	0.0	0.0	0.0
EX-IM BANK LOANS...	0.0	0.0	0.0
ALL OTHER...	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL...	117.5	76.8	21.0	740.6
IBRD	96.1	10.0	0.0	487.1
IFC	2.3	0.0	21.0	61.4
IDA	0.0	0.0	0.0	53.9
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	63.4	0.0	75.6
UNDP	4.1	3.4	0.0	17.2
OTHER-UN	0.0	0.0	0.0	10.4
EEC	15.0	0.0	0.0	35.0

CENTRAL AND SOUTH AMERICA

ANTIGUA AND BARBUDA

A member of the British Commonwealth, Antigua and Barbuda celebrated its fifth anniversary of independence from Great Britain on November 1, 1986. Respect for human rights in Antigua and Barbuda is grounded in its domestic laws and reinforced by the democratic political values and traditions that evolved before independence and continue to develop. Its population supports these values and expresses dissent openly, aided by a free press. The Constitution provides for a parliamentary system of government based on majority rule, and requires general elections at least every 5 years.

Security forces consist of a police force and the Antigua and Barbuda Defence Force, an 80-man infantry unit. The police are organized, trained, and supervised according to British law enforcement doctrine. The security forces have a good reputation for respecting individual rights in the performance of their duties.

Antigua and Barbuda's human rights record continued to be good in 1986.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

No instances of political killing were reported.

b. Disappearance

No disappearances, extralegal detentions, or politically motivated abductions were reported.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and cruel or inhuman treatment of prisoners or detainees. These prohibitions are respected in practice. Prison conditions are adequate, and the authorities permit regular visits by a prisoner's family and attorney, as well as by members of the clergy.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are prohibited by the Constitution and do not occur in practice. Criminal defendants are guaranteed the right of judicial determination of the legality of detention, and detainees must be brought before a court within 48 hours of arrest or detention.

No cases of involuntary exile have been reported.

The Constitution prohibits forced or compulsory labor, and such practices are not known to take place in Antigua and Barbuda.

e. Denial of Fair Public Trial

Criminal defendants are guaranteed a fair, open, and public trial. The independent judiciary is widely respected for its fairness and professionalism. The Eastern Caribbean Supreme

Court serves Antigua and Barbuda. The Government guarantees legal assistance at its expense to persons without means to retain a private attorney. There are no political prisoners in Antigua and Barbuda.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

Arbitrary police or government actions against a person's home, family, or privacy have not been reported. The police must obtain a warrant before searching private premises. Leftist political groups have charged that the Government tampers with their mail, but these allegations have neither been supported with evidence nor brought to court.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press

The Constitution guarantees freedom of speech, the press, and other forms of communication. The electronic media--the only source of daily local news--are dominated by the Government. Antigua Broadcast System Radio and ABS-TV are state owned, and the only privately owned radio station is controlled by the Prime Minister's family. Opposition politicians assert that they have almost no access to air time to present their positions. ABS Radio and TV report regularly on the activities of the ruling party, but rarely report on the opposition. A different situation exists in the nation's print media. Weekly newspapers representing the opposition publish a variety of opinions and are free to criticize the Government. Religious organizations also publish their own newspapers.

b. Freedom of Peaceful Assembly and Association

The Constitution assures the right of peaceful assembly. Public meetings and organized demonstrations are held without interference. The local police, however, monitor the travel and activities of the Antigua Caribbean Liberation Movement (ACLM), a leftist political party. In one incident, a Canadian diplomat was detained briefly at the airport and questioned by the police about his visit to ACLM headquarters. An official protest was registered and an official apology issued by the Government of Antigua and Barbuda.

Less than a majority of Antigua and Barbuda's workers belong to labor unions, but labor organizations are free to organize and bargain collectively. The right to strike can be limited if the Court of Industrial Relations is involved in a given dispute. Unions are free to affiliate with international labor organizations.

c. Freedom of Religion

There is free exercise of religious beliefs. The population is overwhelmingly Protestant, but adherents of other religious denominations proselytize openly without government interference.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The movement of citizens within the country is not restricted

by law or practice.

Section 3 Respect for Political Rights: the Right of Citizens to Change Their Government

Antigua and Barbuda has a multiparty political system which accomodates widely divergent views. All citizens 18 years of age and older may register and vote. Individual parties conduct voter registration drives free from government interference. The Government is obligated by law to hold voter registration during a fixed period each year.

Prime Minister V.C. Bird's Antigua Labour Party (ALP) won an overwhelming victory in the 1984 elections, taking every constituency in Antigua. In Barbuda, an independent won the sole seat and became the Government's only parliamentary opposition. Despite the lopsided ALP victory, the elections were considered to be fair and open.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Internationally recognized human rights organizations have not expressed concern about Antigua and Barbuda. There were no requests for investigations or inquiries into alleged violations in 1986. The Government is sensitive to human rights issues and has condemned abuses elsewhere.

Section 5 Discrimination Based on Race, Sex, Religion, Language or Social Status

Antiguan and Barbudan law and practice prohibit discrimination based on race, sex, creed, language, or social status. The role of women in society is not restricted by law, but tradition limits women to home and family, particularly in rural areas. As elsewhere in the region, these traditional roles are changing. The Government has begun programs to provide enhanced educational opportunities for both sexes, as well as family planning services, which many expect to lead to greater participation by women in Antigua and Barbuda's economic, social, and political life.

Two women senators sit in Parliament, and are the highest ranking female political figures in the country. The Permanent Secretary in the Ministry of Health and the Chief Establishment Officer are both women. A woman also heads the Department of Tourism. There is a "Womens Desk" in the Government to monitor compliance with laws and statutes regarding women and to safeguard their legal rights. Ninety percent of the assistant permanent secretaries in the Government are women, as are 6 out of 10 personnel in the civil service. The law entitles women to equal pay for equal work.

CONDITIONS OF LABOR

The legal minimum working age is 13, and the minimum age law is respected. The workweek is 40 hours in 5 days, and workers are guaranteed a minimum of 3 weeks annual leave. There are no occupational health and safety laws or regulations. A minimum wage is established by law.

ARGENTINA

Argentina is a functioning constitutional democracy with an independent bicameral legislature and an autonomous judiciary. Political debate is free and open with a high degree of public participation. The Argentine press offers views covering the political spectrum and all parties have access to the media, although some suggest the Government provides strong guidance on certain issues. The Government tolerates criticism and opposition viewpoints are freely expressed.

Argentines enjoyed a relatively high standard of living in 1986, despite a number of severe economic problems including a large foreign debt and real wages and pensions generally believed to be below the level of a decade earlier.

Argentina continued to consolidate the dramatic improvements in human rights stemming from the successful 1983 transition from military to freely elected civilian government. The military and police operate under civilian political control and the courts review charges of abuses. Respect for individual rights is strong. Trade union freedom is greater than at any time during the past decade, and strikes occurred frequently. Human rights groups continue to demand a complete accounting for past disappearances and punishment of those responsible. Trials of military and police officials and of accused terrorists for actions in the 1970's continue, albeit slowly. There was some tension between civilian and military authorities over the possible prosecution of military personnel, particularly those still on active duty. Violent incidents by unknown assailants occurred with some frequency, generally without personal injuries. Most seemed related to political or labor activities.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

No human rights groups charged that any deaths were politically motivated or instigated by the Government, and there were no known instances of such killings.

Periodic bombings occurred throughout the year. Most were small explosions late at night which caused few injuries and little damage. Most of the bombings appear politically motivated, judging by targets selected and accompanying messages. During a presidential visit to a military camp in Cordoba, a bomb was discovered and disarmed. Political party offices and the residences or businesses of party activists were primary targets. Most sectors of the political spectrum were victimized, from the military to the Communists. The widely reported bombings no doubt served to intimidate in individual localities. Local authorities have made only a few arrests. What was learned from those arrests suggests no major conspiracy.

b. Disappearance

There were no known abductions, secret arrests, or disappearances linked to or condoned by the Government during 1986. A substantial number of kidnapings occurred, most

believed to have been for criminal extortion. Not all were reported to the authorities, and many ended in release of the victim without identification of the perpetrators. Some kidnapers were apprehended and others killed in police raids. In the apparent kidnaping of businessman Osvaldo Sivak, family members alleged that security force personnel pocketed payments made by the families. It is widely believed that some current or former police and military personnel are involved in kidnaping for extortion.

In addition to continued ad hoc investigations by the courts of unmarked graves, through which some corpses were identified as victims who had disappeared, the Interior Ministry in 1986 initiated a formal review of all cemetery records to locate and identify victims who disappeared between 1973-80.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture. A 1985 criminal code reform provides penalties for torture similar to those applied for homicide. In August the Argentine Congress ratified the Convention Against Torture and Other Forms of Cruel, Degrading, or Inhuman Punishment adopted by the United Nations General Assembly in 1984. The Convention now has the force of domestic law. Although judges applied the new provisions of the criminal code, some human rights groups maintain that police beatings of prisoners continue. In at least 31 instances, police or prison officials were brought to court on charges of mistreatment of prisoners. Judicial investigations into the alleged torture of prisoners during the years of military rule (1976-1983) continued.

Despite improved prison conditions since the return of democracy in 1983, there were prison demonstrations, hunger strikes, and riots in 1986. The protests allegedly resulted from harsh treatment of prisoners during cell-block searches, disrespectful treatment of visiting family members, and prisoner demands for better food, living conditions, speedier trials, and reductions in sentences. A number of prisoners were injured during these protests. Two families charged that relatives died in detention as a result of physical abuse by prison authorities; two police officers and six prison guards are under investigation in that case. Government officials say they are working to improve prison conditions, which are generally overcrowded but sanitary.

d. Arbitrary Arrest, Detention, or Exile

Argentina has a well-developed legal code containing express protections of individual rights and controls on police arrest and investigatory powers. The penal code gives the courts--but not the police--authority to detain individuals without notice or charges for up to 8 days during investigations. Even in the case of minor offenses, holding suspects without charges for a few days is common. Forced or compulsory labor is forbidden.

e. Denial of Fair Public Trial

The judiciary functioned normally in 1986. It was generally recognized as fair and independent, if often slow and cumbersome. The Constitution and penal code provide for trials before professional judges and appellate review of all

judicial rulings, including those of military courts. The Supreme Court interprets the Constitution to provide protection and review roughly equivalent to the due process clause of the U.S. Constitution.

Major judicial problems are overcrowded court dockets, time-consuming written procedures, lack of personnel and administrative infrastructure, and low salaries, as in the rest of the public sector. Since the return to democracy in 1983, the legal community has had under consideration several reforms in the system of judicial administration. These reforms would streamline the judicial system by developing more efficient legal procedures and creating more professional personnel. As in most civil-law countries, trial by jury does not exist; verdicts are rendered by professional judges. The police have legal authority to judge misdemeanor cases, which are often settled by senior police officials. Convictions in most such cases result only in fines and may be appealed to the civil courts. The legal system provides for public defenders, but in 1986 caseloads were far in excess of what they could handle. The right to bail is provided by law and observed in practice.

At the start of 1986, some human rights groups claimed there were still 14 political prisoners. The Government argues that they are not political prisoners, but common criminals convicted of violent crimes. The Government asserts it cannot summarily overturn the verdicts or alter the sentences. The human rights groups argue that the prisoners were convicted under proceedings lacking in minimum due process. The prisoners claim they were forced to confess under torture or duress and were denied fair trials. The Government suggested that the prisoners request a judicial review of their cases. Some did so, and two were released in 1986. In the other cases, the courts found they did not have judicial grounds to alter the sentences. Twelve remain in jail. Prosecution of Argentina's best known former terrorist, Montonero leader Mario Firmenich, remains in the evidentiary stage.

The most sensitive judicial issue continued to be the prosecution of military personnel for abuses during the years of military rule. Five former senior commanders and junta members convicted by a civilian court in December 1985 filed appeals. Likewise, the Government appealed the leniency of sentences given these five and the acquittals of four other officers in the same trial. On December 30, the Supreme Court ruled on the appeals, upholding all verdicts, ordering slightly reduced sentences in two cases. The other major military trial of 1986 involved a former army general, who served as police chief of Buenos Aires Province, and several of his military and police colleagues. Convictions were obtained in November against five of the seven defendants and varying sentences of prison terms were handed down by the court. Two defendants were acquitted. Human rights groups complain that there has been no progress on other military trials.

In 1986, much of the human rights debate centered on the so-called "punto final"--declaring an end to prosecutions for past abuses by the military. The military supports the idea; human rights activists oppose it. President Alfonsin submitted draft legislation imposing a 30-day statute of limitations upon initiation of criminal prosecutions against members of the military for past abuses. Following an unusually rapid passage through both houses of the

legislature, Congress passed the legislation in special session on December 23, 1986. Congress amended the legislation to extend the statute of limitations to 60 days from date of enactment and to include civilians who had committed violent political crimes during the same time frame. The President signed the bill into law December 24, 1986.

Some tension continues between military and civilian judicial authorities concerning jurisdiction over military prosecutions for human rights abuses. Legislation enacted in 1984 grants the Council of the Armed Forces initial jurisdiction, but the civilian courts may take over a case if the Council takes no action within a reasonable time. In fact, the Council has so far completed only one case--an acquittal. In the course of 1986, the civilian courts asserted formal jurisdiction over more than 200 cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The executive branch submitted a bill to Congress in 1985 that provides penalties for arbitrary interference with personal privacy, home, or correspondence. The legislation is still pending.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Argentina enjoys a free press environment. Criticism of the Government is tolerated and opposition viewpoints are freely expressed. An independent press offers views that cover the entire political spectrum. Nevertheless, the State owns 40 percent of the radio stations and 3 of the 4 principal Buenos Aires television channels. The Inter-American Press Association's 1986 report criticizes Argentina for government domination of the national newsprint industry, for congressional censure in September 1986 of a Buenos Aires daily, and for the "right of reply" law in many provinces which allegedly has a chilling effect on press coverage. All these issues were fully debated in the national press. The Government was not accused of attempting to limit or control debate. However, some believe the Government's Secretariat for Public Information influences press coverage of certain political matters.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

All groups and political parties are free to organize and assemble. Argentine law requires political parties to support the Constitution and a democratic, representative, republican and federal form of government in order to register for elections. At present, no party has been denied registration. Major rallies were held by political parties, including the Communist Party and the Montonero movement, throughout 1986.

The labor movement is a major independent economic and political force. About one-third of the work force is unionized. The previous military regimes suspended various laws governing labor relations and systematically blocked many

trade union rights. Recasting the legal codes to restore normal ground rules for industrial relations and trade union activities continued slowly in 1986. In August, the Government introduced or, in some cases, reintroduced, legislation covering collective bargaining, refinements to laws dealing with trade union structure and function, union rights to consult with management, labor representation in state-owned firms, protection for employees of bankrupt firms, and the disposition of social welfare organizations formerly associated with unions. The main opposition party offered alternative legislation in September. These issues were not resolved when Congress adjourned.

Organized labor was active in 1986. Argentina's largest labor organization, the General Confederation of Workers (CGT), lost its legal status during the years of military rule. The CGT technically remained without legal recognition until November when it selected new leadership and the Government extended full recognition to the confederation. Nevertheless, even before official government recognition, the CGT and many individual unions engaged in consultations with employers and the Government on issues affecting labor and the economy. Unions have the right to strike and many exercised that right in support of their demands in 1986. The CGT led several general strikes of one day or less. Argentine unions are active in the international trade union movement.

c. Freedom of Religion

Argentina's Constitution guarantees the free exercise of religion but also states that the federal government supports Roman Catholicism. The Government provides financial support to the Roman Catholic Church, and the Constitution requires the president and vice president to be Roman Catholics. A constitutional reform now under consideration would more definitively separate church and state. Other religions must register with the Government to obtain the legal recognition required to operate freely. Missionaries from any religion are permitted to enter Argentina and to proselytize. The non-Catholic population is growing.

In the past, Argentine treatment of Jehovah's Witnesses who refused compulsory military service was a problem. While Congress has not yet passed draft legislation, first submitted in 1984 to permit alternative service for conscientious objectors, the executive branch continued its policy in 1986 of exempting baptized Jehovah's Witnesses from military service.

Argentina's Jewish community (estimated at 300,000, the largest such community in Latin America) practices its religion without official restraint, although there is a current of anti-semitism in Argentine society and occasional anti-semitic incidents occur. The executive branch has submitted legislation to Congress providing penalties for racial, religious, and other forms of discrimination. The House passed the bill in June 1985, but the Senate has not acted.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Internal and external travel and emigration are unrestricted. Exiles continued to return to Argentina in 1986, some as a

result of the government's policy of encouraging such returns. Refugees in Argentina are not forced to return to countries from which they fled or in which they fear persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Since September 1983, Argentina has held two national elections and a plebiscite, electing a president, vice president, governors, all national deputies, and most mayors and municipal councils. By all accounts, the elections were free, fair, and democratic. In 1986, 15 national senators were elected by provincial legislatures.

Thirteen political parties covering the political spectrum, including the Communist Party, qualified as national parties and presented candidates in 1983 and again in 1985. Other parties qualified in individual provinces. There is a large, politically important, and active opposition that operates openly. Women and minorities have full political rights and are not excluded from political life.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Argentina cooperates with both the United Nations Human Rights Commission and the Organization of American States' Inter-American Human Rights Commission. The Government signed and ratified the American Convention on Human Rights in 1984. The Government also reversed its military predecessor's position on the draft U.N. Convention on Torture and, in August 1986, promulgated it as law. In 1986, Congress also ratified the U.N. Convention on Civil and Political Rights and the U.N. Convention on Economic, Social, and Cultural Rights.

The Argentine Government cooperated in the investigation of alleged Nazi war criminal Walther Kutschmann in 1986. The Argentine citizen accused of being Kutschmann was detained by Argentine authorities pending a court decision on his identity. He died of natural causes while in custody.

Eleven human rights organizations operated freely in 1986, despite occasional death threats and some harassment from unidentified sources. The organizations continued to bring charges related to disappearances during the years of military rule.

Section 5 Discrimination Based on Race, Sex, Religion, Language or Social Status

Argentina is a nation of immigrants that personifies the melting pot society theory. Roman Catholicism is Argentina's official religion and Spanish the official language, but there is no official race discrimination and very little religious or linguistic discrimination. All religious organizations may apply for and receive Government recognition and may proselytize. Indigenous communities and small ethnic enclaves preserve and speak their native languages without harassment.

Argentine women are active in government, the professions, politics, and private voluntary organizations. Although there

is no official policy of discrimination against them, women have to contend with a variety of discriminatory mechanisms that are rooted in cultural, economic, religious, and social structures. The executive branch has submitted draft legislation to Congress that would ban sex discrimination. The lower house approved the bill in 1985 but the Senate has not yet acted. However, Congress ratified the United Nations Convention for the Elimination of Discrimination Against Women in 1985. The Health and Social Action Ministry in 1986 continued its campaign to publicize the rights of women in society.

Women participate freely in Argentine politics. There were scores of women candidates in the 1983 and 1985 elections and there are 13 women in the national Congress (three senators and ten deputies). About 20 percent of Argentina's full professors and about 50 percent of the assistant professors are women. One private university has a woman rector. Almost 50 percent of the medical and law school graduates in 1986 were women.

CONDITIONS OF LABOR

Argentina offers comprehensive protection of workers' rights. The maximum workday is eight hours; the maximum workweek is 48 hours. Premiums must be paid for work beyond those limits. Children under 14 years of age may not work except in the family. Minors between 14 and 15 may work but not more than 6 hours a day or 36 hours a week. The same law applies to minors between 16 and 18 years of age, although competent authority may allow an exception. Rules governing vacations, minimum wages, and occupational health and safety are comparable to those in Western industrial nations.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ARGENTINA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	0.1	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.0	0.0
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.1	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.1	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.1	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.0	0.0
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	210.8	563.5	700.9	6269.0
IBRD	0.0	180.0	544.5	2592.1
IFC	42.7	63.4	156.4	446.0
IDA	0.0	0.0	0.0	0.0
IDB	167.6	319.1	0.0	3169.1
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.5	1.0	0.0	58.2
OTHER-UN	0.0	0.0	0.0	3.6
EEC	0.0	0.0	0.0	0.0

THE BAHAMAS

The Bahamas is a multiparty, parliamentary democracy with regular national elections. As a Commonwealth country, its political and legal traditions are similar to those of Great Britain, with emphasis on the rights of individuals. The Progressive Liberal Party (PLP) has governed since 1967 under the same leader, Sir Lynden O. Pindling.

The police and small defense force generally are well regarded by the populace but, like other elements of the society, have experienced some drug-related corruption. A rally of more than 15,000 Bahamians took place in September to protest growing drug abuse and the illegal sale and trafficking of narcotics in the country. Violent crime remains a serious social problem.

The country has a tradition of human rights observance. The Constitution provides for the protection of fundamental rights and freedoms without discrimination by reason of sex, race, religion, origin, or political opinion, and its provisions normally are observed. However, treatment of illegal Haitian migrants sometimes has led to concern for their safety and well-being. In March a large rally in Nassau sponsored by a human rights coalition protested mass arrests and conditions of detention following the first of several roundups of Haitians living illegally in The Bahamas.

The country's human rights record remained relatively good in 1986.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of killings for political motives.

b. Disappearance

There were no reports of abduction, secret arrests, or clandestine detention.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Such practices are prohibited by the Constitution. However, police brutality, particularly in the course of arrests or obtaining confessions to a crime, remains a problem. Bahamian and American detainees reported instances of such abuse in 1986. In February a Haitian national died while in police custody following beatings reportedly administered in the course of an investigation of a theft. Nassau's downtown jail is crowded and dirty, and the food barely adequate. The Freeport Central Lockup is unsanitary.

The Supreme Court in September heard a case involving a question whether detention conditions for illegal Haitian immigrants at Fox Hill prison in Nassau were in violation of fundamental rights guaranteed by the Constitution. The justice presiding characterized the prison's conditions as constituting a "highly unpleasant environment" and urged the authorities to improve the situation.

THE BAHAMAS

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and imprisonment and requires that persons be charged without undue delay. The right to a judicial determination of the legality of detention is recognized; charges are normally brought within 48 hours of arrest. Arrested persons are usually allowed access to an attorney of their own choosing.

On several occasions, government enforcement authorities have carried out mass arrests of Haitians under nonspecific warrants. This has resulted in the erroneous arrest of legally resident Haitians and of Bahamians mistaken for Haitians, in addition to illegally resident Haitians. Following one mass arrest of 103 Haitians in May, arraignment procedures precluded about half of those detained from consulting with an attorney.

Haitians detained on immigration infractions are routinely denied bail on the apparent supposition that they would flee prior to prosecution. In two cases, Haitians detained for 5 weeks following their arrests in May were found to have no charges filed against them, and were ordered freed. In another case a woman married to a Bahamian was sentenced to 1 month's imprisonment for originally entering the country illegally, but she was detained 5 months until freed in a court action brought by an attorney associated with the Human Rights Association. Several groups of Haitians were subjected to indeterminate detention awaiting deportation while the Governments of The Bahamas and Haiti consulted on procedures to implement their 1985 treaty on repatriation.

Detention by police in July of the Haitian consul on a parking violation underlined the sensitivity of relations between Bahamian law enforcement officials and the Haitian community. The consul reportedly was manhandled, verbally abused, and brought to the police station in spite of his having shown his diplomatic identification card. Although the Government later apologized for the incident, the cabinet minister responsible publicly defended the police.

In a case unrelated to illegal immigration, two Haitian men originally charged with the murder of another Haitian in December 1983 were found to be still in detention and awaiting trial 2 1/2 years after arrest. When the situation came to light, the Government dropped the charges.

Forced or compulsory labor is specifically prohibited by the Constitution and is not practiced.

e. Denial of Fair Public Trial

An independent judiciary conducts fair and public trials. There are no political prisoners. Legal representation at public expense is provided only for capital cases. The Constitution entitles defendants to counsel and attorneys are given free access to defendants. These protections have not always been afforded to Haitians detained on immigration charges. The Human Rights Committee of the Bahamas Bar Association, following the its investigation of arrests of Haitians, exonerated the Government of brutality charges. Nonetheless, it severely criticized the mass arraignment of those arrested, calling the practice contrary to the Civil Procedure Code.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The Government does not interfere in the private lives of its citizens. The sanctity of the home is safeguarded both by law and tradition and is normally respected in practice. The Constitution permits searches only with court-issued warrants.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press exist in The Bahamas. There are three privately owned daily newspapers--two in Nassau and one in Freeport--one government-owned radio station, and one government-owned television station. There are no privately owned broadcasting facilities. There are several newsweeklies, some of which are affiliated with political parties, including the Marxist Vanguard Party. There is no political censorship or intimidation of journalists. The press freely reports public and parliamentary debate on a variety of issues. However, it frequently refrains from printing the names of those publicly criticized because of the country's stringent libel laws. Based on such laws, the editor of the opposition party's newsweekly was formally charged in court in December with criminal libel; a headline on an article in his publication, alluding to corruption allegations involving the Prime Minister, asked the question: "The Country Wants to Know, Is the Chief Still a Thief?" The editor faces trial.

While the press is free, opposing points of view are not accorded fair radio and television treatment by the government-owned broadcasting corporation (ZNS). The Government and the ruling party receive favorable treatment, at the expense of the opposition party and dissidents within the ruling party. The opposition party is prohibited by 1965 legislation from purchasing air time to broadcast its views, other than one 15-minute spot each year. It was prevented from having its January convention broadcast live, even though it was willing to pay for the air time.

b. Freedom of Peaceful Assembly and Association

The Constitution protects the right to associate freely and specifically mentions political parties and trade unions. Labor unions are independent of the Government and are free to organize, bargain, and strike. Many unions are affiliated with counterparts in other countries and are represented in the International Labor Organization. Labor leaders are vocal in criticizing labor laws, especially where the laws fail to protect workers from unfair dismissals, insure severance pay, and permit unions to represent workers before arbitration tribunals.

c. Freedom of Religion

There is no state religion, freedom of conscience is protected, and discrimination on the basis of creed is prohibited. Some members of the small Rastafarian cult believe they are singled out for persecution by the police; the police deny their allegations.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is freedom of movement within The Bahamas, and citizens may freely travel abroad. There are no state restrictions regarding the right to change residence or workplace. However, there is considerable controversy regarding the repatriation of both displaced Haitian nationals resident in The Bahamas--estimated to number 20,000 to 40,000--and Haitians shipwrecked in Bahamian waters.

In 1985 the Governments of The Bahamas and Haiti signed a treaty outlining the conditions under which some Haitians with long residence and other ties to The Bahamas could receive legal status. The treaty simultaneously specified a 2-month amnesty period for voluntary repatriation without prosecution, while making provisions for orderly, humane repatriation of the remainder of the displaced Haitians. While over 300 Haitians were involuntarily repatriated and approximately 2,400 Haitians voluntarily returned to Haiti in 1986, it appears that no Haitians have been accorded legal status under the terms of the treaty; the few cases settled in 1986 appear to predate the treaty.

Official Bahamian Government policy continued to imperil the health and safety of displaced Haitians aboard unseaworthy or shipwrecked vessels in Bahamian territorial waters. On Ocean Cay in January and Cay Verde in February, the Government declined to accept its international responsibility to aid distressed mariners. In the former case, a U.S.-owned company operating on Ocean Cay had to feed 51 stranded Haitians and negotiate with the Bahamian and Haitian Governments over repatriation. In the latter case, emergency action by the U.S. Coast Guard was necessary to aid eight stranded Haitians.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Bahamas is a constitutional democracy governed by an elected Prime Minister and Parliament, with a resident Governor General under the British Commonwealth system. The political process is open to all elements of the society. There are two principal political parties, the governing Progressive Liberal Party (PLP) and the opposition Free National Movement (FNM). The PLP led the country for 5 years of internal self-government before independence in 1973 and has held power without interruption since. It currently holds 32 of the 43 seats in Parliament. The FNM, a more conservative party, holds the other 11 seats. The radical leftist party, the Vanguard, has no seats. The last general election was in 1982; new elections need not take place before August 1987 but can be called sooner.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There have been no requests from international organizations to investigate human rights conditions in The Bahamas. The Government generally has not been active in human rights affairs.

THE BAHAMAS

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Bahamas has a good record of nondiscrimination on grounds of sex, race, and religion. Notwithstanding the transfer of political power from the white elite to a black majority at the end of the colonial era in the 1960's, white Bahamians retain a visible presence in the country, hold high-level civil service and political posts, and are represented in Parliament.

Women participate prominently at all levels of Government and business and are well represented in professional and private sectors. Women are serving in the executive branch as permanent secretaries, the highest positions in the civil service, in the legislative branch in elected capacities, and in the judicial branch. The Constitution makes several distinctions between the sexes regarding citizenship. For example, female Bahamians may not bestow citizenship upon their spouses, while male Bahamians may do so. Women's rights activists have stated that Bahamian law also puts women at a disadvantage concerning child care, inheritance, and property ownership.

CONDITIONS OF LABOR

Although there is no minimum wage law in The Bahamas, wages offered are generally considered to provide for decent living conditions. The Fair Labor Standards Act of 1970 states that employers cannot permit their employees to work more than 48 hours per week. It does not, however, address the question of child labor, but the employment of children is effectively discouraged by the requirement of compulsory education until the age of 14 years.

Although there is no specific legislation dealing with worker safety, the Director of Labor regularly checks all work places for lighting, safety, ventilation, and machine protection guards. Employers cooperate with these inspections and in implementing recommended safety meansures.

BARBADOS

A member of the British Commonwealth, Barbados is a constitutional democracy with a free, two-party democratic system of government. Its House of Assembly is the third oldest elected body in the Western Hemisphere. Barbadians recognize the Queen of England as Head of State; she is represented by an appointed Governor General. The Prime Minister is the Head of Government.

The Royal Barbados Police Force ensures public order; it respects constitutional and legal guarantees of human rights. Its personnel and training have improved in recent years. Police morale is good, and public respect for the police force is high. The volunteer Barbados Defence Force is responsible for national security, but is used for public order in times of crisis, emergency, or other specific need. Barbados has a well-established judicial system based on common law and British procedure.

The country's economy is based on light manufacturing, tourism, services, and sugar.

There were no changes in Barbados' excellent human rights record during 1986.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

No killings for political motives were reported.

b. Disappearance

There were no reports of disappearance.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution specifically prohibits torture, and there were no reports in 1986 of cruel, inhuman, or degrading treatment or punishment. Prison conditions are humane. Prison facilities were expanded in 1986 to accommodate increased numbers of inmates charged with drug-related crimes. A separate facility was also built for prisoners held on charges for civil debts, thereby separating them from prisoners held on criminal charges.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and imprisonment, and this prohibition is respected in practice. The Constitution also requires the authorities to bring detainees before a court of law within 72 hours of arrest. Criminal defendants have the right to counsel, and attorneys have ready access to their clients.

The use of any form of forced or compulsory labor is prohibited by law and that prohibition is respected.

e. Denial of Fair Public Trial

The Constitution provides that persons charged with criminal offenses be given a fair, public hearing within a reasonable time by an independent and impartial court. Defendants are presumed innocent until proven guilty. The Government provides free legal aid to the indigent. The judiciary acts independently and is free of intervention from other branches of government. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government does not interfere arbitrarily in the private lives of its citizens. The Constitution prohibits arbitrary entry, search, or seizure, and the law requires warrants to be issued before privately owned property can be entered and searched. The Government neither censors the mail nor restricts the receipt of foreign correspondence or publications.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and press, and these rights are respected in practice. The Caribbean Broadcasting Corporation Radio and Television Service is government owned, but is independent of government control. Views opposing government policies are regularly reported. The Government often comes under attack on two popular daily call-in radio programs.

b. Freedom of Peaceful Assembly and Association

The Government observes the constitutional guarantees of peaceful assembly and private association. Political parties, trade associations, and private organizations function without government hindrance.

Workers have the right to organize, to bargain collectively, and to strike. Fifty-five percent of the labor force is organized, and protests or strikes have occurred when collective bargaining has failed. Although the major union has strong ties with the governing party, and its four principal officers are parliamentarians, labor leaders and rank-and-file trade union members are motivated primarily by economic and social rather than political considerations.

c. Freedom of Religion

There is full freedom of religion. While Anglican and Methodist faiths have traditionally predominated, there are numerous other religious denominations and organizations active throughout the country.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens and legal residents move freely within and outside Barbados, a right guaranteed by the Constitution. Barbados has a small number of applicants for admission as refugees; these applicants are handled on a case-by-case basis.

BARBADOS

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In Barbados' parliamentary democracy, parties compete freely in honest elections held at least every 5 years. There are no impediments to participation in the political process; Barbadians over age 18 enjoy universal suffrage.

The present Democratic Labour Party (DLP) Government won the May 1986 election, taking 24 of the 27 seats. The differences between the government party and the opposition Barbados Labour Party (BLP) are based more on personalities than on ideology. A Marxist third party, the Workers Party of Barbados which was formed in 1985, has attracted little support and participated only marginally in the 1986 election.

Following the DLP's victory in May, Errol Barrow, who headed the government between 1961 and 1976, again became Prime Minister in a smooth transition of power. Henry Forde, a former Foreign Minister and Attorney General with a strong record as a champion of human rights, leads the BLP opposition.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no reports of human rights violations in Barbados during 1986, and human rights groups have not requested investigations. Barbados advocates strengthening the human rights machinery of the United Nations and the Organization of American States. The Government favors more investigations into alleged violations of human rights in other countries and the increased use of factfinding or observer teams to monitor controversial political and electoral situations. Prime Minister Barrow, while in opposition before his party's electoral victory, served as a member of an international observer team to the Philippine elections.

The Government has consistently spoken out on human rights violations in other countries, particularly in Africa, Latin America, and the Caribbean.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Barbadian law does not discriminate on the basis of race or sex. Barbados is a signatory of the 1979 Convention on the Elimination of All Forms of Discrimination Against Women. Women actively participate in all aspects of national life and are well represented at all levels in both the public and private sectors. There are four women in the Senate, a woman is a junior minister, and another is Ambassador to the United Nations. Women's groups speak out on public issues and insist on being consulted by the Government on important national issues.

CONDITIONS OF LABOR

The legal minimum working age in Barbados is 16 and is observed. The work week is 40 hours in 5 days. Workers are guaranteed a minimum of 3 weeks of annual leave. Occupational safety and health conditions are in keeping with International Labor Organization standards. Minimum wages are established by law.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BARBADOS

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	0.1	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.0	0.0
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & MFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.1	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.1	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.1	0.1	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.1	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.1	0.1	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.2	0.1	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.2	0.1	0.0
OTHER US LOANS.....	4.3	0.0	0.0
EX-IM BANK LOANS.....	4.3	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	47.3	11.7	15.6	195.5
IBRD	14.0	0.0	10.0	70.2
IFC	0.3	0.0	0.0	0.3
IDA	0.0	0.0	0.0	0.0
IDB	32.5	11.7	0.0	102.1
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.5	0.0	0.0	5.6
OTHER-UN	0.0	0.0	0.0	0.2
EEC	0.0	0.0	5.6	17.1

BELIZE

Belize has a parliamentary form of government with a competitive political party system and regular local and national elections organized under a constitution formulated at the time of independence in 1981. The People's United Party (PUP) dominated the movement for self-government and independence which began in the early 1950's. The party controlled the government from the beginning of self-rule in 1964 until the first post-independence national election in 1984. At that time, the United Democratic Party (UDP) won 54 percent of the popular vote and 21 of the 28 seats in the House of Representatives. The election was peaceful, open, and honest. The UDP currently controls seven of the eight municipal councils in the country, including the Belize City Council.

The security apparatus consists of the Belize National Police (BNP) and the Belize Defence Force (BDF). The BNP, a force of approximately 500, has primary responsibility for law enforcement and maintenance of order. The BDF consists of 800 active active duty and reserve personnel. Although internal security is not the BDF's principal mission, it occasionally assists the police in enforcement operations. Both the police and military operate under strict regulations governing the use of force. Police arrest powers are clearly defined; the BDF is not authorized to arrest civilians.

Belize is a developing nation with a population of 168,000 and a per capita gross national product estimated at US$1,100 in 1986. The Government favors free enterprise. Its strategy for achieving economic growth centers on encouraging new investment, both domestic and foreign. Seeking a sound foundation for development, the Government has successfully carried out recommendations to strengthen public finances under a December 1984 International Monetary Fund standby agreement.

Constitutional protections for the fundamental rights and freedoms of the individual are upheld by an independent judicial system. A free press and competitive electoral politics also serve to protect civil and political rights. There were no cases of political violence during 1986, and the country's overall human rights record remained good.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of politically motivated killings.

b. Disappearance

There were no reports of disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Such treatment is prohibited by the Constitution and does not occur. Sentences for most crimes generally are lenient compared to sentences imposed for similar crimes elsewhere inthe region. Prisons continue to be seriously crowded and

badly antiquated. However, prisoners are fed adequately and have comparatively generous social and recreational privileges.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary imprisonment. A person is entitled, within 48 hours of arrest, to be informed of the reason for detention and to be brought before a court within 72 hours. Release on bail is allowed for all but the most serious criminal offenses. These procedural safeguards are observed routinely. Forced labor is forbidden by the Constitution and is not known to be practiced.

e. Denial of Fair Public Trial

The Constitution specifically guarantees the rights of accused persons to a presumption of innocence, protection against self-incrimination, defense by counsel, and a public trial. Trial by jury is mandatory in criminal cases, except for minor offenses decided by magistrate courts. These constitutional guarantees are carried out in practice. The judiciary is independent of the executive and is regarded as an effective guarantor of an equitable system of justice. Its major shortcoming is insufficient trained personnel at all levels, resulting from the inability of the Government to provide adequate funding. There are no political prisoners in Belize.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence:

The Constitution provides for the protection of family life, personal property, the privacy of the home, and recognition of human dignity. No violations of these guarantees were reported during the past year.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press are protected under the Constitution and are respected in practice. The Government controls Belize's only radio station, but a wide range of political opinion is presented in the country's press. The opposition and independent newspapers frequently are critical of the Government. There are 13 privately-owned television stations in Belize. Broadcast television in Belize is only a few years old, and the Government is developing a regulatory framework for it. Under the Broadcasting Law of 1983, a six-member Belize Broadcasting Authority has issued licenses to existing stations.

A controversy arose in 1985 when the Authority ruled that a television program produced by the opposition PUP could not be aired since political broadcasts could be approved only in the context of upcoming elections. After lengthy litigation, the Appeals Court, the supreme authority on constitutional issues, ruled in 1986 that the Authority's power to regulate the political content of television broadcasting was constitutional, although it said improper procedures were followed in forbidding the broadcast. Both sides claimed victory. The final result is that programing sponsored by political parties will not be allowed on television, except during election campaigns.

b. Freedom of Peaceful Assembly and Association

The constitutional guarantees of freedom of assembly and association and the right to form and belong to trade unions are respected in practice. Permits are required to hold public meetings but rarely are denied.

There are 16 registered labor unions in Belize which represent approximately 15 percent of the labor force. The National Trade Union Congress of Belize is affiliated with the International Confederation of Free Trade Unions through membership in the Caribbean Congress of Labor. Belizean unions have the right to bargain collectively and to strike. Labor disputes unresolved by bargaining are normally settled through arbitration. There are varying degrees of union cooperation with the political parties, but no union is controlled by a political party.

c. Freedom of Religion

There is no state religion. Christian denominations and non-Christian groups all worship freely, and there is an active missionary presence. Most of Belize's primary and secondary schools are operated by churches with support from the Government. Church leaders have long had close ties to the political establishment, and churches play an active role in the tasks of social and national development. No political party is affiliated with any particular church or religion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on movement within Belize or on foreign travel and emigration. Emigration is motivated by economic need and not by political or human rights considerations. Emigrants frequently return for family visits and sometimes resettle in Belize.

Several thousand aliens from nearby Central American countries have arrived in Belize since 1980, often entering illegally and residing in the country without permits. Various steps have been taken to deal with this influx. Three thousand have been registered as refugees. A settlement project utilizing funds from the United Nations High Commissioner for Refugees (UNHCR) is providing farmsteads for 105 Salvadoran families on Belizean government land. A program to register undocumented aliens was carried out in 1984. An undetermined number of aliens have since legalized their status; however, it is likely that many more remain illegally at the risk of arrest, fines, and deportation.

There is no evidence that displaced persons have been compelled to return to their country of origin. However, during the past year the police have been more active in identifying and deporting illegal aliens who cannot claim refugee status. This has led to a decrease in the number of people seeking to register as refugees. A UNHCR-supported Office of Refugee Affairs is a part of the Home Affairs Ministry, and the UNHCR stationed a permanent representative in Belize in 1986.

BELIZE

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

With the general election of December 1984 and municipal elections in March 1985, Belize experienced a peaceful transfer of power from the PUP to the UDP. Although the ruling party's parliamentary majority gives it broad freedom to decide government policy, its exercise of authority is limited by public opinion, a free press, an independent judiciary, and competitive electoral politics. The major parties have broad political bases encompassing the country's principal ethnic groups.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No international entities have asked to investigate the human rights situation in Belize. A private human rights council and a branch of Amnesty International exist in Belize but are inactive.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

While there is no official policy of discrimination, women face prejudices rooted in cultural, social, and economic practice. Nonetheless they are active in the nation's political parties, private voluntary organizations, churches, and organizations dedicated to improving the lives of women in Belize. Women are prominent in local and national government and well represented in the professions. The Governor General, who represents Queen Elizabeth II in her capacity as Belizean Head of State, is a woman, as is the President of the Senate. Women hold officer and enlisted positions in the police and the BDF.

There is no discrimination because of religious preference.

There is a significant Spanish-speaking minority in Belize which has the same protections granted the majority. This minority, however, is not fully integrated into the economic and political life of the country.

CONDITIONS OF LABOR

Minimum ages for employment of children have been established at 14 years for work in retail establishments and at 17 years for any work near hazardous machinery. Minimum wages have been established for many occupations, and there are occupational safety regulations, although a shortage of resources makes it difficult for the Government to enforce them.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BELIZE

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	5.5	25.2	12.1
LOANS.....	0.9	13.0	1.5
GRANTS.....	4.6	12.2	10.6
A.AID	3.9	22.5	9.5
LOANS.....	0.9	13.0	1.5
GRANTS.....	3.0	9.5	8.0
(SEC.SUPP.ASSIST.)...	0.0	14.0	2.5
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	1.6	2.7	2.6
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.6	2.7	2.6
PEACE CORPS.....	1.5	2.5	2.4
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.1	0.2	0.2
II.MIL. ASSIST.-TOTAL...	0.5	0.6	0.6
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.5	0.6	0.6
A.MAP GRANTS.....	0.5	0.5	0.5
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.1	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	6.0	25.8	12.7
LOANS.....	0.9	13.0	1.5
GRANTS.....	5.1	12.8	11.2
OTHER US LOANS.....	0.0	1.5	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	1.5	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	2.3	0.0	0.0	11.2
IBRD	0.0	0.0	0.0	5.3
IFC	0.0	0.0	0.0	0.0
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.3	0.0	0.0	2.8
OTHER-UN	0.0	0.0	0.0	1.1
EEC	2.0	0.0	0.0	2.0

BOLIVIA

Bolivia is a democracy with a constitutionally elected government. The free elections held on July 14, 1985, resulted in the first constitutional transition from one civilian government to another in almost 20 years. On August 6, 1985, after a close contest between the two major parties in which neither candidate received an absolute majority of the votes, Victor Paz Estenssoro was elected President by the Bolivian Congress in accordance with constitutional procedures.

Despite substantial natural resources, Bolivia is the second poorest country in the Western Hemisphere. The 1985 collapse of the international tin market depressed export earnings and contributed to the continuing decline in per capita income. The Government's efforts to reduce the size and cost of the public sector--especially the inefficient and unprofitable state mining corporation, COMIBOL--has met with strong labor resistance. About one third of COMIBOL's labor force has been laid off.

The Paz Estenssoro Government is carrying out one of the most far-reaching economic reform programs ever attempted in Latin America. Under this program the Government has promoted the private sector, curtailed hyperinflation, previously running at 20,000 percent annually, rescheduled its debt, reorganized tax and customs administration, and issued a simplified currency.

In addition, the Paz Government has undertaken a comprehensive nationwide antinarcotics campaign. In August, despite political criticism, the Government requested and received U.S. military assistance to mount a successful large-scale interdiction operation.

The state security apparatus was abolished under the 1982-85 government of President Siles Zuazo. Bolivia has an internal intelligence service under the responsibility of the Ministry of Interior and a military intelligence service.

Overall, in 1986 the human rights situation in Bolivia remained good. Protests over the continued imprisonment of seven persons arrested by the previous President were resolved when they were released in October. When faced with a miners' protest march on La Pa, the Government imposed a state of siege, for the second time in 2 years. During the 90-day state of siege, some 200 people were temporarily detained, and restrictions were placed on freedom of assembly, travel, and peaceful protest. Most of these restrictions, however, were enforced only sporadically. The Government became increasingly concerned about the presence of small, non-Catholic cults such as the "Children of God" and the Hare Krishna. In April the foreign members of "Hare Krishna" were expelled from the country..

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

No politically motivated killings were reported. The murder of a leftist Congressman, possibly carried out by drug traffickers, is under investigation.

b. Disappearance

There were no verified cases of politically motivated disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits all forms of torture, and the Government neither condones nor practices torture. Most problems of prisoner mistreatment arise from overcrowding and from underpaid, undertrained prison and police personnel. Corruption, malnutrition, and unsanitary conditions are endemic in Bolivia's underfinanced prison system. In October the Chamber of Deputies authorized construction of a new prison in the Department of La Paz. It also authorized the Government to use 40 percent of the money seized from drug traffickers for construction of the new jail.

d. Arbitrary Arrest, Detention, or Exile

Under the Constitution no one can be arrested without a court order, and detainees must be charged or released within 24 hours. However, constitutional provisions under a state of siege allow for detention up to 48 hours before an arrest order is required. After the initial detention period, prisoners are allowed access to a lawyer of their choice. Bail is possible in Bolivia.

In August the Government invoked Article 112 of the Constitution and proclaimed a state of siege for the second time in 2 years; it was lifted 3 months later. The decision to implement the state of seige responded to what a government spokesman described as the "emergency condition caused by the internal convulsion," and was intended to minimize disruption of the country from a miners' march on La Paz. On August 28, 162 people were arrested, and 27 more were detained the following day. On August 29, the Government began releasing some detainees, while sending others into internal exile in remote areas in northern Bolivia. Among these were union leaders, university students, teachers and administrators, journalists, leftist politicans, clergymen, human rights workers, and civic figures. By September 3, about 60 people had been internally exiled, while over 120 were released from detention. On September 11, eleven more people were detained--mostly from small leftist political groups. Between August 31 and September 10, three people were released from internal exile.

In response to requests from the Catholic Church, human rights groups, and others including the U.S. Embassy, the Government authorized the shipment of food, medicine, and clothing to the detainees.

On September 13, after several days of talks mediated by the Catholic Church, the Government and the mineworkers' union reached an agreement. The Government promised to release the people remaining in internal exile, and the mineworkers agreed to end the general strike. The Government fulfilled its part of the agreement, but some mineworkers remained on strike. Upon return from internal exile, some detainees complained about living conditions during their detention. There were no complaints of torture or beatings or of ill health as a consequence of their exile.

Bolivian law prohibits forced or compulsory labor.

e. Denial of Fair Public Trail

The Government upholds the constitutional right of fair public trial, but delays in the judicial system are common. Defendants have the right to an attorney, at public expense if needed, to confront witnesses, to present evidence, and to appeal a judicial decision.

The Constitution authorizes the Supreme Court, Bolivia's highest civilian judicial body, to review legislative measures to determine if they are in accordance with a citizen's "concrete rights or the Constitution."

Bolivia has both civilian and military judicial systems. The Constitution empowers the military "to defend and conserve national independence... security and stability...and national sovereignty." The military government of 1976 revised the Military Penal Code and established the military court system. The law defined and established military jurisdiction over actions against the security of the state, military personnel, or property.

Seven persons detained by the army near Luribay in 1983 for alleged involvement in training of leftist groups were convicted of arms theft and conspiracy to commit treason by a military court in 1984, after the Supreme Court ruled that the military court had jurisdiction over the case. Although President Siles granted amnesty to the "Luribay Seven" later that year, a dispute over legal jurisdiction prevented their release. On October 14, 1985, the Supreme Military Tribunal reduced the sentences of the seven, who were then paroled in 1986.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The sanctity of the home and the privacy of citizens' lives are protected by the Constitution and normally are respected. House searches, monitoring of conversations, and other abuses that occurred under previous military regimes have ceased.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There are state-owned and private radio and television stations operating in Bolivia. Newspapers are all privately owned. Since the restoration of democracy in 1982, Bolivians have enjoyed a generally unrestricted press representing a wide spectrum of ideological views. With a few exceptions, the Paz Estenssoro Government has tolerated full criticism from the media, although it has constitutional authority to impose censorship.

During the August-November state of siege, government agents broke into the University of La Paz television station, ostensibly looking for people on a detention list. Some television equipment was damaged, and the station, a harsh government critic, was still off the air as of December 1986.

In September, local government authorities in the town of Bermejo shut down a Catholic Church radio station for operating without a license and for broadcasting "subversive

communiques." As many radio and television stations operate without a license, it was assumed that the station was closed for political reasons. As of December, the station remained off the air.

In October unknown assailants bombed the house of Carlos Serrate Reich, editor of the leftist La Paz newspaper "Hoy" and head of 9 April Vanguard Party. No injuries were reported. No group claimed responsibility.

Prior to the state of siege in August, five unknown assailants blew up a Jesuit-owned radio station in Tarija. No group claimed responsibility for the attack, although some newspapers speculated that it was carried out by ultrarightists angered by the radio's alleged leftist political orientation. A government investigation failed to shed any light on the case.

b. Freedom of Peaceful Assembly and Association

Except during the state of siege, peaceful assembly and association were not restricted. Provisions of the state of siege prohibited groups of two or more from gathering between midnight and 6 a.m.; in October this was modified to between 3:00 a.m. and 5:00 a.m. Demonstrations, strikes and protest marches were also prohibited under the state of siege, but enforcement was lax, and the Government even allowed some anti-government marches, protests, and labor strikes. Permission had to be obtained from the police for evening gatherings, but permits were readily available.

Bolivian workers have the right to organize and bargain collectively. While Bolivian law still does not extend these rights to government workers, this distinction is ignored as virtually all government employees are unionized.

The Bolivian Workers Central (COB), an umbrella labor federation which represents the majority of Bolivian workers, is independent, politically powerful, and in the past has frequently paralyzed the economy with crippling strikes. The COB has been an arena where leftist and ultraleftist parties have fought each other and the Government. Within the COB, some political figures have called for revolution, armed struggle, repudiation of Bolivia's foreign debt, and mass strikes and have questioned the legitimacy of Bolivia's legally elected government. The Government places no restrictions on a union's right to join international trade secretariats or other international labor organizations. In June 1986, the Government paid for a COB delegate's trip to Geneva to represent Bolivian labor at the annual meeting of the International Labor Organization.

c. Freedom of Religion

Roman Catholicism, the predominant religion, is recognized by the Constitution as the official religion of the country. Catholic bishops receive a nominal stipend from the State, but no other secular advantage is conferred. Protestant churches operate openly and freely. In 1982, a Protestant college opened in Santa Cruz. Two years later, a Baha'i university opened in the same city. The Mormons, Baha'is, and Seventh-Day Adventists freely proselytize and operate churches and training centers throughout the country. The small Jewish community has been treated fairly by the Paz Government. The

BOLIVIA

Mennonites have large rural colonies in the Department of Santa Cruz.

Citizens in general are free to practice the religion of their choice. There are no restrictions on publishing, places of worship, religious schools for training clergy, or church ties to international organizations. However, Bolivian law requires that religious groups be licensed. Although most groups receive licenses without difficulty, this requirement allows the Government to expel as "illegal" unlicensed sects it finds undesireable. While the Government does not persecute clergy for their religious beliefs, it sometimes displays strong opposition to what it believes are their sympathy with and support for "subversives."

In February the Bishop of Oruro, who is also president of the Episcopal Conference, protested that six unidentified men, including one in a policeman's uniform, broke into the residence of the Oblate Fathers. He said the intruders presented no judicial order and searched the house on the pretext of looking for a "Colombian." In the same month, the Bishop of La Paz protested that Radio San Miguel and church officials in the Department of Pando had been harassed by local government officials for advocating the rights of peasants and the poor.

In June a Jesuit high school director charged that state security personnel raided the school library and beat and detained some students for a short time. During the first days of the August state of siege, one Catholic priest, two Methodist pastors, and some Catholic seminary students were detained, apparently suspected of subversive activities. One Methodist pastor was released in mid-September after 2 weeks in internal exile in northern Bolivia. A leading Methodist theologian was also detained in August.

The Methodist Church has expressed its concern about what it sees as incidents of official hostility and the resurgence of accusations that the Methodist Church works with Sendero Luminoso, the Peruvian terrorist movement.

In September the Minister of Defense told the Bolivian Congress that "foreign citizens who were supposedly in Bolivia to fulfill religious missions" were assisting a group of miners in anti-government subversion. The Secretary General of the Catholic Bishops' Conference called upon the Government to prove this accusation.

In November the Archbishop of Sucre protested that five government agents broke into a Franciscan convent looking for marijuana plants. No marijuana was found, and the officials apologized for the break-in.

The Government has grown increasingly uneasy over the presence of small cults such as "God's Messengers," "Children of God," and Hare Krishna. In April the Foreign Ministry's Sub-Secretary for Worship charged that some of these groups were functioning "illegally." A government spokesman also charged Hare Krishna with using illegal drugs. The Government subsequently expelled about 30 foreign Hare Krishna members for practicing an "illegal" religion. Again in October, the Sub-Secretary warned that there were about 170 "clandestine religious sects" in Bolivia, many of which he said had "strange ideas that confuse Bolivia's youth."

d. Freedom of Movement Within the Country, Foreign Travel, Emigration and Repatriation

There were no unusual travel restrictions within Bolivia or abroad, except during the state of siege. Under the state of siege, a police permit was needed to leave the country, travel within Bolivia, or drive a car between midnight and 6 a.m., modified in October to between 3 and 5 a.m. Most of these restrictions were disregarded. The Government does not restrict emigration and guarantees citizens who leave the country the right to return. Citizenship is not revoked for political reasons. Many Bolivians who either fled the country or were exiled for political reasons during the tumultuous 1978-82 period returned with the restoration of democracy. These persons are not politically persecuted or unfairly treated.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Bolivia is a multiparty democracy with an elected president and a functioning and independent bicameral legislature. Opposition groups exist both in and out of Congress and are tolerated by the Government. The political system is dominated by people of European or mixed race origin. Indians speaking Aymara or Quechua as a mother tongue make up an estimated 60 percent of the population. With some notable exceptions, Indians generally have failed to advance to leadership positions. This is principally because of economic disadvantages, educational and cultural isolation, and some overt discrimination. There is no legal discrimination, however.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is sensitive to the opinions of both international and domestic organizations regarding alleged violations of civil liberties. The Bolivian Congress has subcommittees with responsibility for monitoring human rights. The Government is willing to discuss human rights concerns with outside or nongovernmental organizations. The President and other senior government officials met with Methodist Church leaders to discuss human rights concerns in October.

The Catholic Church, the Permanent Assembly of Human Rights in Bolivia (APDHB) and the press have been the most aggressive monitors of human rights. Two APDHB leaders were detained during the state of siege. The Interior Minister criticized the APDHB for "only protecting leftists and not the rest of the country."

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Although protected in theory by social legislation which represented a pioneering effort in the Latin American context, Bolivian women do not enjoy a status in society equal to that of men. The main obstacles to advancement are cultural traditions, social conditions, and lack of political influence. In rural families, women have contributed significantly to economic activities but are nonetheless considered subordinate. In urban settings, women are slowly achieving a greater role in Bolivian business and professional

life. Their participation in cooperatives, community affairs, and education is increasing.

Since the 1952 Revolution, the Constitution has banned racial discrimination. However, informal discrimination by Bolivians of mixed European origin against people of Indian background continues. At least partially as a result of this discriminatory treatment, the Indian majority of the population remains at the lower end of the country's socioeconomic scale. Indians experience poorer health, lower life expectancy, less education and income, and higher unemployment.

CONDITIONS OF LABOR

Bolivian labor law prohibits any labor contract which denies a worker constitutional rights and freedoms. The employment of minors under 18 years of age and women in dangerous, unhealthy, or immoral work is prohibited. No other restriction on employment of minors exists.

Bolivia's labor laws contain provisions for child protection, paid vacations, and protection of workers' health and safety. However, these laws are not rigorously observed in practice and funds are lacking for adequate enforcement. The mines, often old and operated with antiquated equipment, are particularly dangerous and unhealthy. Many mine workers suffer from silicosis.

Bolivia has a minimum wage law and an elaborate system of bonuses and compensations for the private sector. Most workers observe an 8-hour day.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BOLIVIA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	78.0	50.6	42.5
LOANS.....	49.5	24.0	8.3
GRANTS.....	28.5	26.6	34.2
A.AID	52.3	18.4	38.4
LOANS.....	39.5	4.0	8.3
GRANTS.....	12.8	14.4	30.1
(SEC.SUPP.ASSIST.)...	0.0	0.0	7.2
B.FOOD FOR PEACE.....	22.1	29.5	0.0
LOANS.....	10.0	20.0	0.0
GRANTS.....	12.1	9.5	0.0
TITLE I-TOTAL.....	10.0	20.0	0.0
REPAY. IN $-LOANS.....	10.0	20.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	12.1	9.5	0.0
E.RELIEF.EC.DEV & WFP.	0.1	0.8	0.0
VOL.RELIEF AGENCY.....	12.0	8.7	0.0
C.OTHER ECON. ASSIST...	3.6	2.7	4.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	3.6	2.7	4.1
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	2.7	1.5	3.9
OTHER.....	0.9	1.2	0.2
II.MIL. ASSIST.-TOTAL...	0.1	3.4	1.5
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	3.4	1.5
A.MAP GRANTS.....	0.0	3.0	1.4
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL-MIL.ED.TRNG....	0.1	0.4	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	78.1	54.0	44.0
LOANS.....	49.5	24.0	8.3
GRANTS.....	28.6	30.0	35.7
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	130.6	2.6	70.0	1487.2
IBRD	0.0	0.0	0.0	296.0
IFC	0.0	0.0	0.0	9.3
IDA	0.0	0.0	70.0	174.8
IDB	126.8	0.0	0.0	951.2
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.8	2.6	0.0	44.1
OTHER-UN	3.0	0.0	0.0	11.8
EEC	0.0	0.0	0.0	0.0

BRAZIL

Brazil returned to democratic rule in 1985, after 21 years of military-dominated governments. Jose Sarney, chosen as Vice President by the electoral college in January 1985, became President 4 months later following the death of the President-elect.

A new Congress was freely elected in November 1986, with the participation of 30 political parties. The previous Congress played an active role in national policymaking, and the new Congress is expected to enlarge that role. Congress will sit as a Constitutional Assembly in 1987 with sole authority to draft and implement a new constitution replacing that imposed during the military regime. The Brazilian judiciary is a respected and independent institution and is largely successful in ensuring that citizens are accorded protections of the law.

Internal security is provided by various branches of the Brazilian military and by federal, state, and local police forces, although the role of the Armed Forces has been downgraded since the end of military government.

In 1986 economic growth was expected to approach the high 8 percent rate of 1985. Brazil has the eighth largest economy in the non-Communist world, but it has had to cope with foreign debt of over 100 billion dollars and high inflation. In February the Government implemented a major economic reform package which de-indexed the economy and froze salaries and prices. The Government has been able to adjust the economy's external sector to current international financial conditions, maintaining a continued large trade surplus.

While political rights were considerably improved by the transition to civilian government in 1985, problems remained in other human rights areas in 1986, notably in the treatment of common criminals and Indians. Brazilians are free to participate in the political and economic life of the country. The President may, however, invoke constitutionally sanctioned emergency powers and has authority to issue decree-laws. Although a decree-law enters into effect immediately, it must then be submitted to Congress, which has 60 days to approve or reject it. President Sarney has used decree-laws to implement major economic reforms.

Under the current civil code, Brazilian Indians are considered "semi-competent" wards of the State and live under certain restrictions and protections not applicable to other citizens. Indians on a number of reservations are under pressure from mineral and agricultural developers and squatters to open more of their lands to others.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no instances of politically motivated killings by government authorities. However, criminal investigation into the 1984 murder of a journalist opposed to the Governor of Paraiba state disclosed evidence in 1986 indicating that state authorities may have ordered the crime and then used police resources to cover up their involvement. Human rights

organizations in Rio de Janeiro and Sao Paulo regularly charge that police have killed individuals suspected of common crimes. Human rights activists also believe that many of the more than 200 criminals reported killed annually in confrontations with Sao Paulo police have been killed after capture. While such killings apparently continued in 1986, they are not politically motivated. Catholic Church sources, particularly the National Conference of Brazilian Bishops, believe insufficient resources have been devoted by local or state governments to combat the problem. The situation has been complicated by an alarming rise in the rate of violent crime in Rio and Sao Paulo, which has led to a high degree of public tolerance of alleged police brutality toward suspects. Conflicts between rural landowners and the landless also resulted in more than 200 killings in 1986, including the murder of a priest who had been active in organizing squatters. Rural labor union organizers were targets in numerous areas. Authorities have condemned the violence, but measures taken to control it have been ineffective.

b. Disappearance

There were no reports of politically motivated abductions.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by the penal code, and there were no reports of politically motivated torture occurring in 1986. However, various human rights and professional organizations report that police beatings and torture of persons suspected of common crimes are widespread, the principal purpose appparently being to extract confessions. Such practices primarily affect the underprivileged.

Although Church authorities in Rio noted a steady decline in these offenses in 1983-84, due to government efforts to curb mistreatment of suspects, there was no evidence of further significant improvement during 1985 or 1986. In Sao Paulo and the rest of the country police brutality toward suspected criminals remains widespread. Human rights activists in most Brazilian cities maintain that these abuses continue because of the perception by police that they can act with impunity. Little improvement was noted in 1986, even though in some instances police officers, including high-ranking officials, have been investigated and brought to trial. In one of the most publicized cases, a group of police officers accused of torture was found innocent by the courts in Porto Alegre. The prisoner allegedly tortured was later killed by unknown assailants after his release.

Most prison facilities continue to be overcrowded, and many are poorly maintained and managed. The State of Sao Paulo is now engaged in a major construction program of medium-security regional prisons. There has been no such investment in Rio or most other states. The federal Ministry of Justice was unable to supply funds for new prison construction during 1986. Conditions in Minas Gerais improved slightly, with no new reports of the "death lotteries," in which prisoners are killed by fellow inmates, supposedly to focus public attention on overcrowded prison conditions; such lotteries claimed the lives of 20 prisoners in 1985.

Prison riots during 1986 reflected both inmate revolt against poor conditions and slow processing of criminal cases, as well

as lack of effective control by prison authorities. In three episodes hostages were taken by rebellious inmates. In a revolt in Sao Paulo in September, 12 inmates were beaten to death by police or prison guards when the police assaulted the prison. In two additional revolts in Brasilia and Mato Grosso do Sul, armed inmates were allowed to leave prisons with their hostages, and police then attempted to recapture the fugitives. Three fugitives were killed during capture attempts. No hostages were injured.

Human rights organizations encounter little public support for the rights of criminal offenders. Public criticism of the prison system is directed not at the subhuman conditions, but at the lack of construction to allow for incarceration of more criminals.

d. Arbitrary Arrest, Detention, or Exile

The independent judiciary is largely successful in ensuring that legal protections are afforded most citizens, although delivery of justice to economically deprived groups is incomplete. Under the law, a person may not be arbitrarily detained. Judicial determination of the legality of detention is guaranteed by the Constitution and is respected.

The law provides for provisional detention when ordered by judges, in cases of common crimes, or by certain high-level administrative authorities in cases of crimes involving public administration or extradition. For example, a judge may order provisional detention to preserve public order when there is evidence of probable cause, when the accused is considered dangerous or does not have a fixed job or address, or when the individual is caught in the act of an unbailable crime. Detention may also be ordered to prevent interference by the accused in criminal proceedings, as for example when the individual might influence or harm witnesses. Provisional detention can be extended until the case comes to trial or until a judge rules that reasons for the detention no longer exist. Provisional detention in Brazil is not practiced arbitrarily and does not normally lead to periods of imprisonment in excess of 15 days.

Forced or compulsory labor is not used in Brazil by any official or government organization. During 1986 federal authorities arrested labor contractors in several northeastern and Amazon states for maintaining "slave" work forces; employers deducted transportation and other expenses from salaries and prevented workers from leaving the property.

e. Denial of Fair Public Trial

The right to a fair public trial is guaranteed by law for both penal code and National Security Law violations and is respected in practice. Defendants are entitled to counsel and must be made fully aware of the charges against them. In cases where a defendant cannot afford an attorney, one must be provided free of charge. However, there are too few public defenders, and thousands of criminal cases are now backlogged. Defendants and their attorneys have the legal right to be informed of the evidence on which the charges are based. Only cases of willful crimes against life are tried by jury; all others are tried by a single judge.

Lynchings by irate citizens of suspected criminals continued in 1986. The greatest incidence of lynching takes place in

the slums on the outskirts of major cities, a result of perceptions that police and court protection is unavailable.

The judicial system is an independent branch of government. The federal court system is composed of courts of first instance and appeals courts. The federal Supreme Court is the highest court in Brazil. The states are free to organize their own judicial systems as long as they do not violate basic principles of the federal Constitution. Brazil also has a system of specialized courts dealing with labor, elections, and juvenile matters.

The military court system hears cases involving military personnel and civilians charged under the National Security Law or with offenses against military installations. Legal guarantees also apply in military courts. Civilians have the right of appeal to the federal Supreme Court when convicted of crimes against the National Security Law. Military personnel may also appeal to the Supreme Court, but only in extraordinary circumstances. The Minister of Justice has stated that civilians will not be charged under the National Security Law pending its revision. No one is currently imprisoned under its provisions, nor has anyone been charged with violations since the civilian government took office. The two cases pending in 1985 for attempts to organize Communist parties were dropped. A state deputy was convicted in April for statements made during the 1982 electoral campaign, but a military court reversed the decision. A labor union leader was convicted for statements made in 1983 maligning the President under the military regime. He was given a 2-year suspended sentence.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

Forced entry into homes without a warrant probably still occurs in searches for criminals, but this practice has declined in recent years, according to human rights organizations. There are no reports of such illegal entries of homes in political cases. Freedom from search is constitutionally guaranteed.

Section 2 Respect for Civil Liberties, Including.

a. Freedom of Speech and Press

The right to free speech and to a free press is guaranteed in the Constitution. Electronic media broadcasts covered a vast array of topics, including controversial social and political issues and opposition viewpoints were aired freely. The Government did not illegally interfere with the media.

Radio and television stations are privately owned, but the Government can withdraw their licenses easily. A television station in Maranhao was suspended for 35 days for violating the federal broadcasting code which prohibits statements offending government authorities. The suspension was the culmination of a 3-year process of administrative warnings and fines for attacks against President Sarney and his family. No licenses were revoked, however, and the administration continued its review of all licenses issued during the last 6 months of the previous government. Newspapers are also privately owned and are vigorous in reporting and commenting on government policies and performance. Self-censorship is rare.

BRAZIL

Foreign publications are widely distributed in Brazil. A restrictive censorship law still exists but, with a small number of well-publicized exceptions, it is enforced only to protect young people from material deemed to be damaging to their character. A new law under consideration is expected to concentrate on protection of minors from harmful influences, including narcotics and pornography. Books and newspapers are not censored, and films, songs, and plays are no longer reviewed for political content. Prior review of films and television programing continues but is normally limited to rating for acceptable viewing age. Two films were censored in 1986, both after initial approval by the federal Censorship Office. President Sarney acceded to Catholic Church requests to prohibit the controversial Jean-Luc Godard film "Je Vous Salue Marie." The Minister of Justice cut violent episodes from the Sylvester Stallone film "Cobra" and authorized its release to adult audiences only. Both actions were widely criticized in the intellectual community.

b. Freedom of Peaceful Assembly and Association

The Constitution guarantees the freedom of peaceful assembly. Although permits must be obtained for outdoor political or labor meetings, they are freely given.

Labor has the right to organize, and trade unions are legally mandated to represent workers under the labor laws. Although the labor code makes no provision for a central or umbrella labor organization, three rival groups have emerged. The Government has not officially recognized their right to function but does engage in regular dialog with their leaders. To maintain the official labor structure, workers are taxed one day's pay per year, a sum which is paid to the Government and then divided among confederations, federations, and local unions. Ten to 15 percent of workers voluntarily pay union dues in addition to the mandatory tax. Most members join unions more for family health benefits than for representation on wages and working conditions. Although unions are legally prohibited from participating in partisan politics, a number do, but with little impact to date. Union organization activities have increased since the return of civilian government.

The Government has not acted to prohibit strikes, even though existing legislation makes many strikes illegal, and has not enforced other restrictions on labor unions. In addition, the Government has reinstated the right of all labor leaders to hold union office. In three major 1986 strikes the federal Government mobilized police and troops to prevent violence and ensure the right of nonstrikers to cross picket lines. Employers have a legally mandated structure which parallels that of labor, and there are voluntary employer organizations not mandated by law. Both types of associations represent their members to government, act as lobbyists, and negotiate collective bargaining agreements with labor unions.

Labor unions and employer associations may maintain ties with international organizations, but each affiliation has to be approved by the President of Brazil; because of exchange controls, the transfer of funds to pay membership charges requires Central Bank approval. The President and the Central Bank have a number of applications pending for association and transfer of funds.

c. Freedom of Religion

There is no favored or state religion. An overwhelming majority of Brazilians belong to the Roman Catholic Church. All faiths are free to proselytize, establish places of worship, and train clergy. However, according to the National Council of Brazilian Bishops (CNBB), missionaries and other foreign religious visitors have had difficulty entering Brazil in recent years due to a 1980 immigration law. The CNBB complained in 1986 that visas for new missionaries and lay workers were being systematically delayed by immigration authorities. Plans to revise the immigration law have been announced by the Government, but action is not expected prior to enactment of the new constitution. The Catholic Church continued its political and social activism during 1986 with no government intervention. However, government ministers complained publicly that the Church was interfering in areas not of its legitimate concern.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on movement within Brazil, nor are there any unusual restrictions on emigration. Brazil admits few immigrants and is selective in granting asylum.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

On March 15, 1985, Brazil's first civilian President in 21 years was inaugurated. With the acquiescence of military leaders, two civilian presidential candidates were chosen, one a former governor of Sao Paulo with close ties to the military-dominated government and the other a long-time civilian opposition leader. The opposition leader, Tancredo Neves, was chosen President in indirect elections. His running mate, Jose Sarney, former president of the government party and long-time civilian politician, was elected Vice President. Although efforts to establish direct presidential elections failed, the indirect election of Neves through the electoral college was widely accepted as a return to civilian democracy. Neves was hospitalized for emergency abdominal surgery on the eve of his inauguration, and Sarney became interim president. Subsequently, Neves died, and Sarney was confirmed for a 6-year term with full presidential authority.

Although the military-inspired 1967 Constitution concentrates effective political power in the presidency, Sarney has followed a more consensual style of government. The President's constitutional powers include the right to issue decree-laws in a number of key areas and, in the event of an outbreak of war or threat of serious disturbance, to decree a state of siege which permits suspension of many civil rights. Major constitutional amendments passed by the federal Congress in 1985 removed numerous authoritarian restrictions and returned Brazil to full democratic status. Direct mayoral elections were held in all state capitals in 1985. National elections were held in November 1986 to elect state governors and legislative assemblies and a new federal Congress. All seats in the Chamber of Deputies and two-thirds of those in the Senate were filled, and the few remaining nonelected federal senators appointed before 1982 were replaced. Thirty parties representing the political spectrum participated in the election.

BRAZIL

The direct election of federal congressmen and senators in November 1982 produced a representative Congress. The new Congress is expected to redefine and augment its powers under a constitution which it will draft sitting as a constituent assembly. State governors have been directly elected since 1982, as have all municipal, state, and most federal legislators. All voting is secret and mandatory for all adults, except the illiterate who now may register to vote if they choose.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are a number of Brazilian nongovernmental organizations, such as the National Bar Association and the Brazilian Press Association, which are active in investigating and initiating legal proceedings in cases of alleged human rights violations. Amnesty International maintains offices in Rio and Sao Paulo. There have been no claims by any of these organizations that the Government has tried to impede their activities. There is a consensus among human rights observers in Brazil that the human rights situation has improved dramatically over the past several years. They believe that the main problems now concern police behavior toward suspects, prison conditions, and certain economic rights.

The federal Solicitor-General in 1985 designated a federal prosecutor in each state to monitor and assist in denunciations of violations of human rights. In 1986 the Federal Council for the Defense of Human Rights, a presidential advisory group inactive under the military government, resumed activities with public meetings. As it began to take a more active role, the Council examined an increasing number of cases alleging lack of action by authorities in cases involving human rights abuses.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Discrimination on the basis of sex and race is illegal. Nevertheless, the proportion of women and blacks in the power structure is much smaller than their relative share of the population, a reflection of history, cultural attitudes, and economic disparities. Women are proportionally well represented among university students. A large majority of the black population is concentrated in the lowest economic strata.

The country's estimated 200,000 Indians, living mostly in the interior, have suffered in recent decades from population movements by non-Indians into frontier areas. Despite the Government's commitment under the 1973 Indian statute to protect the Indian population, and despite efforts of the Indian Affairs Agency to demarcate tribal lands, Indians continue to suffer from government neglect, as isolated tribes come into greater contact and conflict with Brazil's expanding internal frontier.

CONDITIONS OF LABOR

The minimum age for employment is 12, but numerous legal restrictions theoretically apply to all working minors under age 18. Permission of parents or guardians is legally required for minors to work. Children from ages 12 to 14 are

legally allowed to work only if provision is made for them to attend school through completion of primary education, and only in light work that does not constitute a physical strain. All minors face restrictions against night employment and are prohibited from employment in unhealthy, dangerous, or morally harmful conditions. These laws do not extend to the types of occasional employment performed by millions of children and adolescents. Thirty-four percent of all children between the ages of 10 and 14 are considered economically active, and 65 percent of Brazilians between the ages of 15 and 17 are employed.

Brazil has a highly codified system of labor regulations, providing restrictions concerning workplace safety, a 48-hour maximum workweek, specified periods of rest and vacation, and a standardized minimum wage. Regulations concerning workplace safety are detailed, but enforcement suffers from an inadequate inspection staff.

The minimum wage, which is defined as that "able to satisfy the normal necessities of the worker and his family," has averaged approximately $50 per month but was set at $58 in the February economic package. Prior to these reforms purchasing power was reduced by the practice of adjusting salaries only twice a year. A trade union-financed foundation calculates that the minimum necessary for a decent standard of living for a family of four is three to four times greater than the official minimum salary. In 1983, over 40 percent of those economically active earned less than the equivalent of one minimum salary; only 30 percent of all workers earned more than the equivalent of three minimum salaries.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BRAZIL

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	0.0	0.8	0.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.8	0.7
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.8	0.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.8	0.7
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.8	0.7
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.0	0.8	0.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.8	0.7
OTHER US LOANS.....	28.5	37.4	0.0
EX-IM BANK LOANS.....	28.5	37.4	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	2192.8	2010.3	1727.1	19132.8
IBRD	1604.3	1523.0	1620.0	13044.4
IFC	61.2	44.6	107.1	1228.9
IDA	0.0	0.0	0.0	0.0
IDB	524.6	442.5	0.0	4750.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.0	0.2	0.0	87.8
OTHER-UN	2.7	0.0	0.0	21.7
EEC	0.0	0.0	0.0	0.0

CHILE

Chile is ruled by a military government which took power in a 1973 coup. Prior to that time, except for brief periods, Chile had elected civilian governments since independence in 1810, and respect for political and human rights generally prevailed. The current Government includes both military and civilian officials and operates under the Constitution adopted by plebiscite in 1980. The military junta exercises the legislative function, and a separate judicial branch carries out judicial duties, but primary authority resides with the Commanding General of the Army and President, Augusto Pinochet. Under the 1980 Constitution, President Pinochet's term of office expires in 1989. In late 1988 or early 1989, a plebiscite is to be held on a presidential candidate to be selected by the commanders-in-chief of the four armed services. There are no constitutional restrictions on President Pinochet being that candidate. If approved by a simple majority in the plebiscite, that candidate would serve until 1997. If a majority voted "no," the Constitution calls for open and direct presidential elections to be held within one year, simultaneously with congressional elections scheduled for 1990.

Civil liberties are provided for in the 1980 Constitution, but the Government maintains significant discretionary authority to limit them by use of one or more of the five states of exception also provided for in the Constitution or its transitory articles. On September 7, immediately following an assassination attempt against President Pinochet, the Government added a third state of exception, the state of siege, to the two already in effect. The state of siege and its related restrictions were allowed to expire on January 6, 1987. Concurrently, the Government lifted the late-night curfew in effect for most of the last 13 years.

Many fundamental political freedoms in Chile during 1986 were severely restricted. Rights of private property, freedom of religion, and minority rights are respected, but freedom of association and assembly, freedom from arbitrary arrest and exile, and freedom of speech and of the press are limited. Human rights conditions are strongly affected by a number of factors: the prolonged maintenance of states of exception, the lack of major, significant progress toward a return to democracy, and terrorist violence such as the unsuccessful attack against President Pinochet and the subsequent murders of four government opponents associated with the far left.

Laws establishing a voter registration system and an electoral court to supervise the 1989 plebiscite and the 1990 congressional elections were enacted, and the Government publicly promised the promulgation of the law legalizing political parties in the first part of 1987. However, progress in creating the juridical framework necessary for a transition to democratic rule was not fully matched by steps to develop a correspondingly free political atmosphere, conducive to a successful transition to full democracy.

Reliable and documented reports of torture and mistreatment of those detained by Chilean security forces continue to be received by human rights organizations. In addition, members of the security and military forces are widely believed to be responsible for the many kidnapings, beatings, torture, and, in a few cases, murders, carried out against human rights, Catholic Church and opposition figures, for which no suspects have been identified or apprehended. One army officer is

currently under detention for the July burning of a young man and woman, an incident which caused the death of the young man.

Extremist groups of the left and right have murdered military personnel, police officers and civilians. In addition, left-wing groups have bombed buildings and other installations identified with the Chilean Government or the United States. In August Chilean authorities discovered the largest cache of clandestine weapons ever found at one time in Latin America. U.S. Government experts who examined the weapons concluded that they had most probably been supplied by Cuba, and that they were intended for use by the Chilean Communist Party and its military wing, the Manuel Rodriquez Patriotic Front (FPMR), possibly against a future democratically elected government. The FPMR acknowledged having hidden the weapons.

During 1986 the Government continued to cooperate with the Special Rapporteur of the United Nations Human Rights Commission (UNHRC). It provided a lengthy statement responding to the Special Rapporteur's February report, as well as to a resolution adopted in March by the UNHRC. The Government increased its cooperation with the International Committee of the Red Cross (ICRC) by permitting ICRC doctors to visit persons held by the National Information Center (CNI), the Chilean secret police. In January 1987, The ICRC reached a similar agreement with the Investigations Police. The Government also established a Commission on Human Rights to act in an advisory role to the Ministry of Interior. This Commission was charged by President Pinochet in his 1987 New Year's speech with reviewing the cases of all exiles on a government-maintained list, with an eye toward allowing a substantial reduction from the 3,500 now prevented from returning to Chile. Of this roughly 3,500, 227 were deemed to be immediately able to return to Chile. During 1986 the Government had reduced this list slightly, and did not employ the administrative power of internal banishment (relegacion) used extensively in previous years against government opponents.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

The number of people killed or injured in acts of violence with apparent political motives continued at a high level. According to the Vicariate of Solidarity, the human rights organization of the Catholic Church, 72 persons died and 409 were wounded in acts of political violence during 1986. The deaths and injuries resulted from both deliberate and random actions by security and military forces and by left- and right-wing terrorists. The Vicariate said half the deaths were caused by government forces. There were at least nine deaths caused by right-wing extremists during the year. There are persistent allegations that members of the security and military forces are tied to right-wing extremists responsible for at least some deaths. Left-wing terrorists appear responsible for the killing of 15 persons. Of those, 10 were security and military force members. According to press accounts, 17 persons killed during the year were members of terrorist organizations.

CHILE

Some specific instances compiled from official figures, human rights organizations, and the press: In January a young woman was shot and killed by individuals reported to be from the Investigations Police during an incident in which the authorities detained several other. In February a policeman was killed and 15 others wounded in a bomb attack, probably by leftist terrorists, against a police bus. In April a storekeeper who had been active in a conservative political party was assassinated by left-wing terrorists. In the same month, a terrorist ambush resulted in the death of a police officer and one of the terrorists. Two persons died when an explosion destroyed the house in which they were reportedly making bombs. In May a young student in Santiago was shot and killed during a confrontation between students and a military patrol during a blockade of the entire central part of the city by the armed forces. In June a terrorist bomb attack against the Santiago metro system left one person dead and seven injured.

In early July, a general strike called by the Civic Assembly, an opposition organization, was accompanied by a number of violent incidents which resulted in 8 deaths and injuries to over 50 persons. Seven of the deaths were caused by gunshot wounds, five reportedly fired by military patrols and two by unidentified people firing from passing vehicles, a tactic frequently attributed to right-wing terrorists. The eighth death was that of Rodrigo Rojas de Negri, a 19 year old U.S. resident of Chilean origin. According to the attorney for the family, Rojas was carrying Molotov cocktails in company with other youths who intended to set fire to a street barricade to block traffic on a major Santiago thoroughfare. Eyewitnesses said the group was stopped by a military patrol and that Rojas and Carmen Quintana were deliberately beaten and set on fire by members of the patrol. The youths were left in a deserted area but made their way to a hospital after several hours. Rojas died 4 days later; Quintana is recuperating from her severe burns in Canada. A military court is presently investigating the case, and the army lieutenant who commanded the patrol is under arrest, charged with using unnecessary violence resulting in death. Other members of the 25-man patrol have not been charged with any violations of the law. Some witnesses and attorneys involved in the case have claimed harassment on the part of the Government. One witness, who has admitted carrying a Molotov cocktail on the day of the incident, was arrested in August and released on bail in January.

Left-wing terrorists attempted to assassinate President Pinochet on September 7 in an ambush which resulted in the deaths of 5 of the President's bodyguards and the wounding of 10 others. This act led to the proclamation of a state of siege in Chile. A number of people have been detained in connection with the attempt.

Within 48 hours of the attack on President Pinochet, four persons who had ties with either the Communist Party or other extreme left groups, were killed by unidentified gunmen. An extreme right-wing group calling itself the September 11 Command claimed responsibility for these murders, stating that they were in retaliation for those killed in the assassination attempt. A judicial investigation was initiated. No suspects have been identified.

In November two men were killed in a clash with police after robbing a bank in a small town near Santiago; a police officer

was also killed in the gunfight. Police claim that one of the individuals was a top leader of the terrorist Movement of the Revolutionary Left (MIR).

In December one person was killed in a shootout following the explosion of a dynamite charge thrown at CNI headquarters. A pregnant woman and her unborn child died in December of wounds received in an attack on a public bus.

During 1986 the two major left-wing terrorist organizations in Chile, the Communist Party's FPMR and the MIR, significantly stepped up their efforts to promote a violent overthrow of the Government. There is considerable evidence of Soviet, Cuban, Nicaraguan, Libyan, and East European training and other support for these two groups. Several large weapons caches were discovered in August, containing over 3,000 automatic rifles, more than 100 rocket-propelled grenades, some 100 light anti-tank weapons, millions of rounds of ammunition, and tons of explosives.

U.S. Government experts determined that the arms cache was most likely provided to the FPMR by Cuba. Other sources have indicated that Cuban officials have acknowledged their role in private conversations. Weapons similar to those found in the arms caches were used in the September attempt on President Pinochet's life. FPMR spokesmen have announced they will continue efforts to kill the President.

It is believed the bulk of these weapons may have been meant for use against a future democratic government in Chile, as well as against the present Government. FPMR spokesmen have said publicly that they will not necessarily lay down their weapons once an elected government is in place. The smuggling of huge amounts of war materiel into Chile by the Communist Party influenced the moderate opposition's decision to refuse to participate with the Communists in demonstrations in September.

As noted, right-wing terrorist groups caused a number of deaths and injuries in 1986. Three such groups are the Chilean Anti-Communist Action (ACHA), the September 11 Command, and a nebulous movement called the Armaggedon Rightist Group. There are allegations that members of the security and military forces may be involved in some of these terrorist organizations.

A law enacted in late December absolves members of the Investigations Police who use their weapons to repulse violence or overcome any resistance to authority. Human rights organizations find the wording of this law extremely vague, and fear it could be used to justify unnecessary violence against those attempting peacefully to express their opposition to the Government.

b. Disappearance

There were no substantiated reports of disappearances during 1986. A number of reports were filed by family members concerning persons who disappeared after being picked up by unidentified persons, but all were later accounted for as detained by security forces.

CHILE

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and police brutality continued to be serious problems. There were no reported deaths in 1986 as a result of mistreatment while in custody of the authorities, compared with four such cases in 985. However, there were 109 individual cases of torture reported by the Vicariate of Solidarity. This compares with a total of 84 cases in 1985 and 84 in 1984. These are cases in which the victims have filed formal complaints.

The Constitution prohibits "use of illegal pressure" and "guarantees to all persons the right to life and to the physical and psychological integrity of the individual." Government officials deny that the use of torture is authorized and note that members of the uniformed services are being investigated by the civilian and military judicial systems for their possible involvement in cases of alleged mistreatment. The Supreme Court instructed all courts in January to give special attention to cases in which charges of torture or illegal detention might be involved. A number of cases of mistreatment reportedly continue under investigation by the courts.

Most reports of torture state that the victims were subjected to beatings, electric shocks, or threats, particularly during the first days of detention. In September a victim was examined by a police doctor who found marks indicating the prisoner had been tortured during detention by the CNI.

Government officials claim that all registered complaints of abuse or torture by the authorities are investigated, and that officials involved are brought to justice. The Government cites as an example a case in January in which three detectives were given suspended 3-year sentences for the death of a young man they had detained in 1985. The Government is appealing, seeking a stronger sentence. Human rights groups assert, however, that many complaints are not actively investigated. Secret court proceedings often make it impossible either to verify which cases involving torture charges may be under active investigation or the stage of such investigations.

The Government agreed to permit visits by ICRC doctors to persons held in CNI and Investigations Police detention centers. Most instances of torture are alleged to occur while persons are detained by the CNI.

There also continued to be reports of people being kidnaped or detained for short periods by unknown individuals. Often these people have been physically abused while being held. There were 662 reports of threats against individuals in 1986, as compared to a total of 564 in 1985, 402 in 1984, and 212 in 1983. These include violent kidnapings, personal confrontations in the streets, unauthorized, often violent searches of homes or offices by persons who refuse to identify themselves, and telephone threats. As in the past years, most victims have been students, professional people, political activists, journalists, trade unionists, social workers and their relatives, and employees. Most kidnapings appear to be attempts to intimidate those involved in human rights organizations, labor unions, church-based community organizations, or political activities. There have been no known arrests or prosecutions in any of these cases.

CHILE

Reports of incidents of deliberate and random police brutality continued to be heard, particularly from persons detained during protest demonstrations or on other political grounds. Human rights activists have noted, however, that the actions of the police attempting to control crowds improved in 1986, with considerably less violence being used to disperse unauthorized demonstrations. In contrast, there was a marked increase during the year in the use of army personnel in crowd control, beginning in March, when a series of demonstrations began under the sponsorship of the political opposition. Young troops wearing battle dress and black face paint became a symbol for government reaction to protest activities. Some of the deaths resulting from demonstrations were reportedly caused by these troops. This practice was not in evidence in the latter half of the year.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrests and detentions showed a marked increase in 1986. Before the state of siege was invoked in September, the Government had conducted massive sweeps, or police roundups, in the poorer areas in and around large urban centers. These sweeps involved brief detentions of thousands of persons, although only eight persons were eventually charged with violations of law. In these sweeps, army troops were used to surround and seal off the area and to conduct house-to-house searches. Such sweeps were also carried out under the state of siege following the Pinochet assassination attempt, but army troops were not used in the house-to-house searches, which were conducted by the police.

The Constitution provides that search warrants be issued by either a civilian or military court for specific locations. Challenges by human rights groups in June to the legality of massive searches of private homes were rejected by the Supreme Court, which held that a single order by a military judge to search a given area was sufficient to permit searches of all the houses in that area. According to witnesses, search warrants were not shown during the sweeps.

These operations were justified by the Government as a response to complaints by residents in these areas over a drastic increase in common crime. According to residents, robberies, rapes, assaults, drug abuse, and other crimes are commonplace. There have also been complaints of an increase in the use of weapons by criminals. While these complaints are well-founded, few criminals were actually apprehended during the sweeps. Those detained were generally released within a matter of days for lack of evidence.

Aside from sweep operations, the Government also briefly detained 7,019 people in 1986. This compares to 5,314 in 1985 and 5,261 in 1984, and includes both individual and group arrests. Most of those detained in large demonstrations were generally released once their identity was established, but during 1986 there was a noticeable increase in the number of people detained for longer periods of time. Of the 7,019 people detained in 1986, 555 were eventually charged before the courts. Of these, 36 were charged for terrorist activities.

Transitory Article 24 of the Constitution--under which the Government may order detention for 5 days without affording detainees the right to a judicial hearing, or for as much as 20 days in cases where terrorist acts were involved--was in

effect throughout 1986. Prisoners were often held incommunicado during the initial period of investigation.

Once formal charges are issued and cases brought before the court system, defendants are allowed a lawyer of their own choosing; lawyers affiliated with human rights organizations are made readily available by those groups without charge. Many of those detained under this article are never charged and are released after several days of detention.

While the state of siege was in effect, the Ministry of Interior could order detention without charges. Under these powers, 46 people were detained in Santiago for varying periods of time. All have since been released. Unlike previous states of siege, there were no massive arrests without charges nor the establishment of special facilities to hold those detained.

The Government also used the various security laws to detain people for prolonged periods of time while their reported roles in protest activities were investigated. It detained the leaders of the opposition Civic Assembly group for over 40 days following the July 2-3 general strike. Similarly, two employees of the Vicariate of Solidarity and three doctors from a private clinic were detained for over 60 days for investigation of their role in treating and aiding a reported terrorist. Two doctors, one a Vicariate employee rearrested in December, remain under detention in this case, charged with violation of the antiterrorist law. Under Chilean law a judge investigating a violation of the law has the obligation to order the detention of anyone the evidence shows might have been involved in the violation. Human rights groups claim some of these detentions appeared to have been designed more to intimidate various opposition political groups or human rights organizations than to maintain law and order.

Persons officially charged with or convicted of violations of internal security laws continue to be imprisoned with common criminals. Attacks by common criminals against these prisoners have generated demands for separate detention facilities for those held on security grounds. They have rights to visitation and communication with their families, friends, legal counsel, and representatives of the ICRC. These rights are subject to the limitations of Transitory Article 24 of the Constitution, which allows for restriction of visitation rights in the first days of detention, before prisoners are remanded to the court system. The ICRC, however, now has access to most of those detained, as set out in its agreements with the CNI and Investigations Police.

Some opposition figures were detained during the year on charges of insulting or libeling the President, the Supreme Court, and/or the military institutions. These charges were generally brought before the civilian courts under various laws, and defendants were jailed for varying periods of time while the charges were investigated. A libel suit by opposition political leaders against President Pinochet was rejected by an appeals court on the grounds that the President's words were "an act of administration," and as such could not be covered by an ordinary tribunal. This decision has been appealed to the Supreme Court.

Those detained on charges of libel and other nonviolent acts were usually released on bail after a few days or weeks in prison. Often the bail set for their release was minimal,

reinforcing the perception that their detention was politically motivated.

The Government during 1986 slightly reduced the number of Chileans prohibited from returning to Chile. The official list of exiles at the end of 1986 contained 3,507 names, marginally down from 3,848 at the end of 1985. However, in January the Government committed itself to a rapid review of all exiles on the list with a view to allowing most of them back into the country; 227 were allowed to return immediately. Human rights organizations state, however, that there is another list of Chileans banned from returning because they took out citizenship in other countries during their prolonged exile.

In 1986 no additional Chileans were exiled. There were a few instances of prisoners convicted of violations of the security laws being permitted to leave the country in lieu of serving their sentences; persons taking shelter in foreign embassies following threats were allowed to leave Chile.

With a single exception, the Government did not use the administrative powers available to it under either the state of siege or Transitory Article 24 to send people into internal banishment. This was a positive change from previous practice; in 1985, 168 persons suffered this administrative punishment. One person was sentenced in June to 400 days in internal banishment after being found guilty of distributing pamphlets near a military base.

Forced or compulsory labor is prohibited in Chile, and there have been no complaints on this issue since the mid-1970s.

e. Denial of Fair Public Trial

The right to a fair public trial remains limited by Transitory Article 24 and, while it was in effect, the state of siege. While first-instance jurisdiction for the prosecution of proscribed political activities remains with the regular civilian courts, broader interpretation of the various security laws has allowed the military courts to handle more of these cases. As in most civil law systems, trial is not by jury, reliance is on the written record rather than oral testimony, and the judge directs the investigation, finally deciding innocence or guilt. The investigation phase is considered secret, with limited access to evidence or testimony developed by the judge. Secrecy of the investigation makes it extremely difficult to learn whether or not justice is being done. There is a well developed multi-stage appeal process leading ultimately to the Supreme Court.

While there have been few charges that opposition figures have been convicted as a result of unfair trials, there were increased charges in 1986 that judges failed to investigate vigorously charges of government abuses of human rights. There were also charges that those few judges who attempted to carry out their responsibilities in an independent manner were open to censure by other judges. An example in August was one judge, investigating the 1976 disappearance of 10 persons, who ordered the detention of 40 people for investigation of their possible involvement; he was suspended for 2 months on half pay by the Supreme Court for failing to obey the decision of an appeals court that the defendants were covered by a 1978

amnesty law. The Supreme Court further ordered the release of all those detained in the case.

Weapons violations, often the basis of charges against terrorists, are tried before a military court. Appeals may be made to a military court of two civilian judges and three professional military judges, and, in the last resort, to the Supreme Court. Human rights groups have complained that military courts have assumed a greater role in trying cases previously decided in the civilian court system.

In general, there were few indications in 1986 that the judicial system, although nominally independent, was prepared to take a vigorous stance in the investigation of charges of past or current human rights abuses by government security forces. The decision by a civilian judge to charge with simple misdemeanor the officer commanding the military patrol involved in the burning of two young people on July 2 caused a furor in the Chilean legal community. A later decision by the five-man military court to upgrade the charge to a more serious crime was, in turn, greeted favorably by human rights organizations.

There continue to be reports of the failure of the security forces to cooperate with judges investigating human rights violations. In September, after the assassination attempt against the President, the CNI refused to comply with various court orders to allow some detainees to see their families or to allow them to appear before the courts. Despite these refusals, the courts took no actions against the CNI. In October the Court of Appeals in Santiago ruled that the state of siege did not permit the incommunicado detention of persons, although other legislation does allow it. In another instance, the Court of Appeals in Valdivia ordered a military judge to initiate a charge of contempt against the CNI for failing to comply with court orders to bring before the court 18 people who had been detained. The Court further denounced the CNI for providing contradictory information, and for using delaying tactics to avoid obeying court orders. According to human rights groups, this case is unique in that the court took action to attempt to force the CNI to comply with court orders, whereas in most instances the courts simply fail to follow up when their requests are denied or ignored by the security forces.

In recognition of the seriousness of this problem, President Pinochet sent a letter in October to the Supreme Court in which he indicated that the CNI was once again being ordered to comply with court orders to deliver detainees to the courts, and to provide them with protection when ordered by the courts. The President further ordered the Ministries of Interior and Defense to instruct the security forces under their control to obey the requests and orders of the courts. In December, however, a Santiago appeals court complained that the CNI refused to make a detainee available to the court, and further refused to allow a civilian judge to interview the detainee personally.

The Government maintains that there are no political prisoners in Chile, and that all those so labeled by human rights groups are persons who have been charged and/or convicted of common crimes such as murder, robbery, bombing, and possession of arms. Vicariate of Solidarity records indicate that there were 418 persons in prison at the end of 1986 whom the Vicariate labeled political prisoners. This figure did not

distinguish between those charged for violent actions and others who have not committed acts of violence. Of the 418, 355 were jailed awaiting trial on various charges of violating state security and arms control laws, and 63 were serving sentences after being found guilty of such crimes. The crimes involved in these cases included robbery with violence, murder, use of explosives, belonging to terrorist groups, kidnapings, illegal possession of arms and ammunition, sabotage, falsification of documents, and assaults against security forces or public installations. In some of these cases individuals were held under suspicion of violating state security laws although they were not charged with specific acts of violence.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Searches of the home and interception of private communications are permitted by the Constitution, provided that search warrants are issued by either a civilian or military court for specific locations. The 1984 antiterrorist law provided legal authority for surveillance of those promoting political views contrary to the Constitution, for interception, opening or recording of private communications and documents, and for surveillance of individuals suspected of terrorist crimes. In 1986 a Supreme Court decision allowed mass searches of homes based on a single warrant issued by a military judge. There were also numerous reports of security forces carrying out searches of offices and homes without complying with legal requirements. A significant number of these searches were carried out in the early hours of the morning, often with force and violence. At the beginning of the state of siege in September, the general level of popular fear was increased by the failure of security forces to identify themselves or to show search warrants, particularly after the violent deaths of four people who were taken from their homes during the first 48 hours of the state of siege.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution guarantees these freedom. There are no constitutional provisions for official censorship although new periodicals must have government approval to begin operations.

Nevertheless, the Government exercises considerable control over the media. Since 1973 the Government has formally and informally advised the press, radio, and television of norms for covering domestic developments, and self-censorship is practiced by the media. Several major media enterprises are seriously in debt to government financial institutions, a situation which provides the Government with further influence over news and editorial content.

The National Directorate of Social Communication (DINACOS) frequently makes suggestions and requests to the media in areas ranging from editorial matter to personnel recruitment. Television in Chile is the medium most tightly controlled by the Government, which itself directly operates one network. The other television stations, operated by the University of Chile, Catholic University of Chile and the Catholic University of Valparaiso, receive guidance from DINACOS. Program planning also is influenced by self-censorship by the

stations. Opposition leaders state that they are unable to present their views on television. The daily press, operating under DINACOS guidance, provides coverage of some statements and activities of the political opposition. Opposition magazines, while often quite outspoken in their coverage and commentaries, face the threat of harassment, legal and otherwise. Radio is subject to the same pressures.

During the first 6 months of 1986, media restrictions were relatively relaxed and there were several positive developments.took place. In March the Government issued a decree removing restrictions on media reporting of the activities of political parties. Restrictions remained, however, on the coverage of events described by Chilean law as "terrorist acts," "activities promoting violence (or a) totalitarian concept of society," or of acts described by law as inciting or provoking demonstrations that might alter public order. Also proscribed are criticisms of the President and the armed forces. In June the Government issued a decree authorizing a new daily newspaper associated with the democratic opposition to begin publication in March 1987. One negative develoment was the arrest in March of the foreign editor of Analisis, Fernando Paulson, on charges of slandering the armed forces.

The situation changed sharply at midyear with the calling of a national strike. From July 2 to 7, four Santiago radio stations were restricted to broadcasting only advertisements, official information and music. On July 3, the Interior Ministry filed two legal charges against the leftist opposition newsweeklies Analisis and Cauce. Several Analisis staff members were charged with "calumny against the President" and "incitement to violence." Later, editor Juan Pablo Cardenas was detained for a month, charged with defaming the President. On September 1, the Government confiscated an issue of the magazine, at the same time suspending its publication for 3 weeks. Analisis was one of the six opposition publications and two international wire services suspended under the state of siege. Jose Carrasco, international affairs editor of Analisis and a member of the MIR, was subsequently kidnaped and murdered by suspected right-wing extremists. Since then, several journalists of the magazine reportedly received death threats.

Warrants were issued against some journalists following the declaration of the state of siege and a few fled the country. Reported telephone death threats were received by APSI reporter Jorge Andres Richards and radio reporter Carlos Tobar Leyton. Cauce editor Gonzalo Figueroa was jailed for alleged offenses against the Chilean armed forces, but was later freed on bail by a military tribunal.

State of siege media regulations ended on January 6, 1987.

While freedom of speech is normally respected for private conversation in Chile, human rights groups assert that the Government conducts extensive monitoring of mail and telephonic communications.

b. Freedom of Peaceful Assembly and Association

Restrictions on peaceful assembly and association were tightened in early 1986 by the issuance of a military edict prohibiting political meetings in public or private places in Santiago without prior permission from the chief of the

military zone. Meetings in privately owned buildings such as theaters had previously been permitted, as when organizations met in March to form the Civic Assembly. The states of exception in force have for 13 years severely restricted those seeking to redress grievances against the Government by means of peaceful demonstrations or public meetings. Leaders of opposition groups were arrested for holding, instigating, or organizing unauthorized demonstrations. The states of exception generally have not interfered with other activities, including elections, of most labor unions and professional associations.

Permission to hold public rallies must be sought from the authorities at least 5 days in advance and may be obtained only by those organizations or groups which have legal status. Political parties and some national trade union organizations are not now authorized under the law, and are unable to obtain status. Those who organize or call for unauthorized demonstrations are subject to arrest and prosecution, as in the case of the leaders of the Civic Assembly in July. These leaders were detained for varying periods of time, some up to 43 days, and then released provisionally pending the results of a judicial investigation.

The Government authorized no public rallies or demonstrations by the political opposition in 1986 in metropolitan Santiago, which has 38 percent of the nation's population. The granting of permission to hold meetings in enclosed buildings has varied, with some meetings being approved and others not. The Government refused to permit the Chilean Human Rights Commission to hold a meeting marking International Human Rights Day on December 10 in a rented theater; the meeting was held in the Commission's own small offices, thereby limiting participation.

Legally recognized unions do not need permission to hold union meetings or conferences, and collective bargaining, strikes, and internal union elections are carried out freely and openly. Under the state of siege, unions needed prior approval for meetings, and permission varied from locality to locality; the vast majority had no difficulty obtaining permits. Unions have faced other legal difficulties, however. The Government took legal action against the January national conference of the Confederation of Copper Workers for electing leaders who did not meet the legal requirements for holding union office. The courts ordered union offices and assets placed in escrow, and prohibited the elected officials from carrying out any union duties until questions over their eligibility were clarified. Following 9 months of stalemate, the union officials resigned. Several other unions had their offices searched during the annual labor day celebration. There were also continued reports of individual labor leaders being dismissed from their jobs under circumstances suggesting the firings were due to their criticism of management or of the Government.

Labor leaders, including those with close ties to the Government, continued to voice complaints concerning the decree-laws known as the "Labor Plan." They say the law places severe restrictions on collective bargaining and the right to strike and on the development of national union confederations. Strikes are prohibited in designated strategic enterprises, primarily the public utilities, the largest government copper mine, and the petroleum industry.

CHILE

In 1986 the Government substantially reduced the number of enterprises designated strategic.

The Government enacted legislation to reestablish the labor court system, but the lack of necessary infrastructure has delayed these courts from actually beginning their work. Industrial relations analysts and trade union leaders, while welcoming the legislation, have been critical that it did not reinstate the same number of courts as had previously existed, and because the courts will be given jurisdiction over subject areas which had not previously been covered.

Labor unions maintain relations with international labor bodies in their fields. Chilean worker delegates participating in conferences of the International Labor Organization (ILO) have had their credentials challenged in the past, but in 1986 the Government sought to avoid this challenge by seeking to consult with representative trade unions in Chile. In 1986 a number of complaints were filed in the ILO against the Government concerning violations relating to freedom of association, employment, and freedom of expression.

Organized labor continued to press for a full investigation of the 1982 murder of labor leader Tucapel Jimenez. In August, the Supreme Court rejected an appeal for a reversal of the investigating judge's decision to declare the case closed. Family members and trade union leaders have since requested that another judge be assigned to investigate the murder.

c. Freedom of Religion

The Constitution guarantees absolute freedom of religion. Although Chile is predominantly Roman Catholic, there are no restrictions on religious practices and no official discrimination against any religious group. A number of Protestant denominations and other groups are active and report full freedom and tolerance, as does the Jewish community. Religious belief and adherence appear to have no effect on acceptability for government positions in Chile.

Despite this, there were at least 17 bombings against the Mormon Church, with left-wing terrorist groups claiming responsibility. In addition, there were a number of attacks against the property and officials of the Catholic Church. Shots fired at the Bishop of Osorno and at the vehicle of the Bishop of Temuco; there were threats against the Bishop of Concepcion. Lay workers for the Catholic Church are also often the victims of intimidation and threats, particularly those working in the poorer neighborhoods. In another incident, three French Catholic priests were expelled from Chile shortly after the state of siege was imposed; the Government accused them of "meddling" in domestic Chilean affairs. Other clergymen were briefly detained and two American priests had their residence permits limited to renewable short-term stays.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Chileans have full constitutional freedom to move within and to enter and leave their country. Exceptions are exiles who are prohibited from returning to Chile; as noted, the Government in early 1987 announced an initiative to reduce this number. As many as 1 million Chileans live abroad,

principally for economic reasons. Most current emigrants seem to be motivated by economic rather than political factors, and no impediments have been placed on their return. International organizations dealing with migrants believe the volume of skilled and unskilled workers returning to Chile now roughly equals the number leaving. The UNHCR and other organizations assisted in the repatriation of 393 individuals.

President Pinochet in September said there was need for a census of all former exiles because of their possible involvement in the attempt on his life. The remark caused widespread concern within the human rights community over the safety of repatriates. The UNHCR expressed concern at the President's remarks. No specific actions have been taken by the Government to undertake a census of the former exiles.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government.

Under the Constitution, a plebiscite is to be held before March 1989 to accept or reject a candidate for president to be chosen by the four commanders-in-chief of the armed services and police. If approved, the candidate will serve until 1997; if rejected, there will be open presidential elections one year later. Congressional elections are scheduled no later than early 1990. Once a congress takes office in 1990, the military junta will be abolished. Until then, the junta exercises legislative authority, subject to presidential approval.

The Government is pledged to carry out the provisions of the Constitution. In 1986 it established the national electoral registry to have voter lists ready for the 1989 plebiscite and the congressional elections in 1990. The Government also promised to approve a law by March 1987 which will allow political parties to reorganize and legally conduct their activities. Until now, the democratic political parties have operated openly but without a legal basis for doing so, and without benefit of such rights as freedom of assembly. They and their leaders, therefore, are vulnerable to potential prosecution or other government harassment.

The compilation of new voter registration rolls is likely to be time consuming due to the largely manual procedure that has been selected and it is therefore improbable that they will be ready before 1988. The opposition has complained that this virtually forecloses any possibility of modifying the Constitution until mid-1988, when it can be done only by national plebiscite at the request of President Pinochet. This would reduce the possibility of replacing the presidential plebiscite with an open presidential election, a reform advocated even by some groups now supporting the Government. While reestablishment of voter registries constitutes progress in creating the legal framework necessary for a transition to democratic rule, this progress was not matched by steps to develop a correspondingly free political atmosphere conducive to a successful transition to full democracy, such as open access to the media and freedom of assembly.

The political opposition rejects significant elements of the 1980 Constitution, including its provisions relating to presidential and congressional elections, the powers of the presidency and the military, and restrictions on civil liberties, among others. Democratic opposition parties want

the Constitution revised or replaced in a process of negotiations with the armed forces. The Communist Party, one faction of the Socialist Party, and the MIR seek the complete overthrow of the Government and the establishment of a Marxist-Leninist regime.

Eleven democratic opposition groups organized in a loose coalition signed a "National Accord for the Transition to Full Democracy" in 1985. The document called for an orderly transition to democratic rule through the immediate restoration of political rights, free elections for president and congress, and a means to amend the Constitution. The Government rejected the National Accord and refused to meet with its representatives. In October 1986, however, three Junta members publicly noted their willingness to begin conversations with the opposition. The Government, in discussions offered as distinct from those conducted by the Junta members, also offered to discuss the prospective political parties law with those parties meeting certain criteria. Most National Accord parties declined to participate in these discussions because of their limited focus. In November several meetings between junta members and spokesmen for the opposition took place.

During the first half of 1986, some of the parties in the National Accord promoted strikes and demonstrations to convince the armed forces of the need to negotiate a return to democratic rule. Simultaneously, leftist extremists mounted an intensified campaign of bombings, killings, slum riots, and other terrorist tactics designed to polarize Chile into two armed camps and destroy any possibility for a peaceful democratic transition. The Government reacted to the violence, and to peaceful demonstrations as well, with repression.

Due to the restrictions on civil liberties, overt organizing by the political opposition was largely confined to the university campuses and professional associations. Elections for student federation leaders, labor and professional association officials, and faculty deans in some universities were mostly won by the opposition. Demonstrations by students and strikes by professionals were frequent during 1986, and confrontations often broke out with security forces.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government cooperated with the UNHCR's Special Rapporteur and provided a detailed reply to the Special Rapporteur's March report on the human rights situation in Chile. While critical of the methods used in gathering information and of what it felt was inadequate attention to information it had supplied, the Government has nevertheless said that it will continue to cooperate with the Special Rapporteur and approved a second visit by him to take place in early 1987.

The Government refused to cooperate with the Inter-American Human Rights Commission, and denied it permission to enter Chile. In September a government spokesman stated that the Government has made numerous attempts to establish a climate of cooperation, but charged that the Commission's reports on Chile are unbalanced and distorted. A statement by the Commission on the September state of siege was rejected by the Government; it said the Commission failed to mention that the

state of siege was precipitated by the assassination attempt against President Pinochet, the discoveries of large arms caches, and other terrorist activity.

The Government has broadened its cooperation with the ICRC. On January 2, 1987, the Investigations Police of Chile and the ICRC reached an agreement granting the ICRC access to prisoners held by that branch of the Chilean security forces. The agreement limits interviews to persons detained for more than 24 hours, "with the sole object of determining their state of health." The agreement follows an earlier 1986 understanding permitting ICRC access to prisoners detained by the CNI in its detention centers.

Visits and investigations by private international human rights groups continued to be allowed by the Government. There was, however, a change in the Government's policy regarding access to prisoners for several months; for example, the leaders of the Civic Assembly who were held during most of July and August were not allowed visits without written government authorization which was usually granted. This policy, however, was not strictly enforced.

Amnesty International visited Chile during 1986 and issued a report in September covering alleged illegal practices of the security forces. The Government charged the report lacked objectivity, and asserted that members of the security forces found guilty of abuses are punished according to the law.

tIn June the Government established a Human Rights Commission to serve as an advisory body to the Ministry of Interior. The six-man Commission is to review terrorist actions which result in deaths or injuries, torture cases, and arbitrary detentions. It is authorized to propose social and economic remedies to the victims of terrorism, torture, and arbitrary detentions, and to propose measures to prevent the recurrence of such abuses. While the Ministry of Interior is responsible for providing administrative and technical assistance, members of the Commission maintain that their work is completely independent of the Government. The Commission visited the site of an ongoing sweep by security forces in July, and reported that it had received no complaints from the residents affected, though residents may have been wary of speaking in the presence of security forces. The Commission was also charged by the Government with recommending a substantial reduction in the exile list within the first 90 days of 1987.

Nongovernmental human rights organizations note that government investigations of human rights complaints rarely lead to fixing responsibility for violations. They also note that very few members of the security forces have been punished, despite the large number of documented abuses brought to light.

The Catholic Church continues to take the lead in defending human rights. It supplies legal counsel to those accused of politically related crimes and to victims of human rights abuses. Its Vicariate of Solidarity monitors the human rights situation throughout Chile, has issued factual monthly reports on human rights violations, and has protected and defended significant numbers of people over the years.

The Church's activities cause high tension between the Government and the Church hierarchy. Public attempts to vilify the Vicariate of Solidarity and individual members of

its staff, particularly relating its human rights work to Communist efforts to destabilize the Government, appear to be condoned by the Government.

The Vicariate was the target of a major investigation during the year. The investigation expanded into what appeared to be a broader probe of all Vicariate activities. The Executive Secretary of the Vicariate sought police protection after receiving a series of death threats, and a policeman assigned to guard his home was shot and seriously wounded in September 4 by two unidentified youths. In addition, two Vicariate lawyers representing the families of the two youths burned in July also received threats. These actions appear to be the work of right-wing terrorists such as the ACHA and Armageddon. Human rights groups assert that government security forces, or persons associated with these forces, may be responsible for at least some of these assaults or for providing varying degrees of protection to these right-wing terrorists.

The Chilean Commission for Human Rights, a private organization directed by opposition political figures, also continued to publicize abuses and speak out against them. The Commission is affiliated with international human rights groups, has hosted visits by these groups to Chile, and has received international recognition. The Commission promotes major changes in the nature of the Government. Officials of the Commission, members of their families, and their employees, were targets of threats and other forms of intimidation during the year. They are particularly concerned by the statement made by President Pinochet that those involved in human rights and similar work should be expelled from the country or jailed.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Minority groups do not suffer from any specific legal discrimination. The only significant minority group, the Mapuche Indians in southern Chile, remains separated from the rest of the society due to historical, cultural, educational, and geographic factors rather than official policy.

Legal distinctions between the sexes still exist. The legal retirement age for women is 5 years lower than that for men. Married women may not conduct major commercial transactions unless a separation of goods contract is established at the time of the marriage, or through a subsequent special one-time authorization. Married women may not take children out of the country without the permission of the father. Inheritance laws provide strong protection for wives and favor female over male heirs. Women now enjoy greater access to education and employment than in the past, although their average salaries for similar work are lower than for men. In 1983 women made up 48.8 percent of the primary school enrollment, 50.5 percent of secondary school pupils and 40 percent of university students. Women have served in such important government positions as mayors, agency heads and ministers, although none is currently in the cabinet. Women enjoy good access to entry-level and mid-level professional jobs but do not hold a proportional number of upper-level positions.

CHILE

CONDITIONS OF LABOR

Child labor is regulated by law. Young people between the ages of 14 and 15 may be employed only with the permission of their parents or guardians and if they have completed their schooling, and then only in restricted types of labor. Those between the ages of 15 and 18 can be employed in a larger variety of labor, and at expanded hours, but only with their parents' or guardians' permission. Economic factors have forced many children to seek part-time and full-time employment in areas of the economy which are generally difficult to regulate.

Minimum wages, hours of work, and occupational safety and health are regulated by law. The law permits the hiring of apprentices, but has been revised so that a "less than minimum" wage may not be paid. The laws covering child labor are not abused, but supervision over the compliance of these laws is difficult. Regulations covering the hours of work are widely publicized, and the need to pay overtime is generally accepted. Compliance is difficult to enforce, but no industry stands out as an obvious violator of these employment standards. There are complaints that occupational health and safety laws are not adequately enforced.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: CHILE

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	1.7	1.3	1.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.7	1.3	1.1
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	1.7	1.3	1.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.7	1.3	1.1
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	1.7	1.3	1.1
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	1.7	1.3	1.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.7	1.3	1.1
OTHER US LOANS.....	0.0	1.3	0.0
EX-IM BANK LOANS.....	0.0	1.3	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	355.8	545.2	456.0	3565.1
IBRD	0.0	287.0	456.0	1343.8
IFC	0.0	73.7	0.0	142.7
IDA	0.0	0.0	0.0	19.0
IDB	352.2	182.8	0.0	1986.6
AD3	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	3.6	1.5	0.0	65.1
OTHER-UN	0.0	0.2	0.0	7.9
EEC	0.0	0.0	0.0	0.0

COLOMBIA

Colombia is a multiparty democracy in which elected governments have ruled for all but 4 years (1953-57) of this century. While Colombia's two traditional political parties, the Liberals and the Conservatives, have dominated the political arena since the mid-19th century, smaller parties have fielded candidates at all levels and are usually represented in Congress, state assemblies and city councils. Governors and mayors traditionally have been appointed by the President under a constitutional provision requiring "adequate and equitable" representation of the major party not holding the presidency. However, Liberal President Virgilio Barco announced a "party government" after his overwhelming electoral victory May 25, 1986. The Conservative Party has declined to accept any political or technical positions in the Barco Government and has declared itself in "reflexive opposition."

Colombia has a mixed economy in which private enterprise plays an active role. The coffee industry, which accounts for one half of the country's export earnings, is in private hands, as are most entities engaged in manufacturing, agriculture, and provision of services. There is a relatively large informal economy. State enterprises control domestic participation in major export industries such as oil and coal and play a deciding role in the electrical and communication industries.

Notwithstanding its long tradition of electoral democracy, Colombia continues to experience high levels of both political and criminal violence. For most of the past 35 years, the country has lived under a constitutionally authorized state of siege to deal with civil disturbances, insurgent movements, and, most recently, organized crime. The state of siege lifted in 1982 was reimposed in 1984, following the assassination of the Minister of Justice by narcotics traffickers, and remained in effect through 1986. Except for transferring terrorist cases from civilian to military courts, the current state of siege has left most civil liberties largely unaffected.

In 1986 various guerrilla groups and drug traffickers, at times working in alliance, escalated the already high level of violence in Colombia, directly challenging the Government's ability to maintain order and preserve democratic institutions. Their particular target was the judicial branch.

Under President Betancur (1982-1986), the Colombian Government negotiated cease-fire agreements with half a dozen guerrilla organizations then active in the country. Although they pledged to cease hostilities for 1 year, most insurgent forces by mid-1985 had withdrawn from the peace process and returned to armed conflict, alleging that the Government was not complying with the peace accords. The Revolutionary Armed Forces of Colombia (FARC), the largest guerrilla group in Colombia, continues to honor the ceasefire agreement with the military. In 1985 FARC established a political party, the Patriotic Union (UP), and participated in the 1986 congressional and presidential elections, fielding candidates at all levels.

The 1986 election resulted in a landslide victory for Barco, the Liberal candidate, who took office August 7, 1986. During the campaign, Barco announced a 6-point peace plan to help end Colombia's 20 years of guerrilla violence. The plan calls for guarantees for the peaceful exercise of political activity;

implementation of an agrarian reform; verifiable agreements to incorporate rebels who lay down their arms and abandon terrorist actions into civil life; government maintenance of public order, with strict respect for human and civil rights; state mediation in social conflicts, and rehabilitation of basic public services, particularly in regions afflicted by violence.

Shortly after assuming office, President Barco named a Special Advisor for Rehabilitation, Normalization, and Reconciliation, Carlos Ossa Escobar, who immediately met with FARC and UP leaders to outline the President's plan. The FARC reacted with demands for political and economic reforms; "purification" of the armed forces; lifting the state of siege; and an end to "death squads." Although Ossa has since criticized the FARC for truce-breaking, this first meeting opened negotiations between the Barco Government and the insurgents. At the end of 1986, prospects for participation by the remaining guerrilla groups in the peace process were uncertain.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Violence in Colombia has many sources, including guerrilla assaults and the response by government forces, political assassinations, narcotics traffickers' intimidation, and common criminal activity. Victims of political killings during 1986 have included political activists, city councilmen, labor leaders, and legislators. Political violence related to party affiliation in the modern era has affected all of Colombia's parties regardless of size or power. While the Communist-supported UP party has been a principal target of such violence--28 of its activists and office holders were killed in 1986--the Liberal and Conservative parties have not been immune, suffering the loss of 26 Conservative and 15 Liberal activists during the year. These murders are under investigation but few persons have been arrested or charged. Guerrilla groups are among the suspects in politically motivated murders, including those of UP politicians; they have also killed many people in rural areas to intimidate others to support their activities. There have also been allegations that members of the military or paramilitary groups were responsible for some of the killings.

The most serious current threat to Colombian human and political rights is the campaign of intimidation and murder waged by the narcotics traffickers against any and all elements opposed to them. Murders attributed to narcotics traffickers during 1986 include several judges, among them a Supreme Court magistrate, over 100 police officers, a senior customs official, an editor of the oldest and second largest newspaper in the country, and a number of private sector leaders. An October assassination attempt against a congressman opposing legislation favored by the illegal drug trade signaled an expansion of the violent campaign to targets in the legislative branch.

In this period of active insurgency, statistics on killings and disappearances are unreliable and subject to differing

interpretations. While the Permanent Committee for the Defense of Human Rights, the major human rights organization in Colombia, does maintain statistics, its 1986 report had not been issued as of December 31. The Committee's data are based on press reports, personal testimony, and complaints filed by relatives and friends of alleged victims. The Committee does not investigate incidents but conveys the information it gathers to the Attorney General's office. Statistics issued by Colombian military intelligence for the period January 1 through October 17, 1986, report the deaths of 131 policemen, 160 members of the armed forces, 450 guerrillas, and 639 civilians due to conflicts with the insurgency.

During the last year, there have been charges that military repression exists in Colombia, In July 1986, Amnesty International accused the Colombian armed forces of carrying out a "dirty war" in Colombia. The organization claimed that 600 Colombians had been seized and killed in the first 6 months of 1986 by troops, police, and gunmen working with them. Amnesty International alleged that the victims included students, teachers, lawyers who defend political prisoners, trade unionists, supporters of left-wing opposition parties, Indian community leaders, and human rights activists. Amnesty International quoted security force spokesmen that many assassinations are committed by private "death squads." Amnesty International added that death squads, sometimes in uniform, use army vehicles, cross army roadblocks without being detained, and park in army and police installations. The organization asked then-President Belisario Betancur to "act urgently to put an end to the assassinations."

The Government reacted swiftly and strongly to deny the charges made by Amnesty International The Ministers of Defense and Foreign Affairs stated that Colombia had the mechanisms to investigate and-punish those responsible for violations.

In September 1986, Americas Watch updated a report published earlier in the year claiming that Colombia's armed forces were responsible for summary executions, torture, and "disappearances" in actions against leftist guerrillas. Americas Watch said it has no evidence "establishing high command complicity in authorizing abuses," but it blamed the high command for failing to put a stop to such practices.

The Attorney General is legally empowered to investigate and prosecute members of the security forces for human rights abuses. Cases of alleged abuse by a member of the armed forces are investigated and, if substantiated, the persons responsible are prosecuted. As an example, on October 30 the Government announced that Captain Tomas Ignacio Monroy and Sergeant Marco Aurelio Mendoza Mena were convicted following a military court martial for responsibility in the murder of six peasants near Medellin.

b. Disappearance

The Attorney General's office received and investigated reports of 181 disappearances between September 1985 and September 1986, compared with 344 disappearances in the first 11 months of 1985. Of those reported in 1986, 11 were found alive, one was found dead, and the remaining 169 are still missing. Military intelligence reported 139 kidnapings through the first 10 months of 1986. It attributed 25 kidnapings to the FARC, 12 to The National Liberation Army

(ELN), 9 to The April 19th Movement (M-19), 5 to The Popular Liberation Army (EPL), and 88 to persons unknown. Of these, 40 victims were freed, 17 were killed, 19 were rescued, and 63 were still being held. Colombian authorities have a commendable record in investigating these crimes and in rescuing many victims unharmed.

No United States citizens were kidnaped in Colombia in 1986. However, one of the two kidnaped by the EPL in December 1985 was released June 3, 1986; the other died May 17 while in captivity.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Attorney General investigated 50 cases of alleged torture of individuals between September 1985 and September 1986, but results of these inquiries had not been made public as of December 1986. The results of investigations into incidents of torture involving 27 police and armed forces officers in 1985 had also not been made public by the end of 1986. Colombian prisons are notoriously overcrowded and understaffed due to the practice of preventive detention and inadequate budgets. In most prisons, inmates receive a subsistence diet which they must supplement with purchases from prison stores. Prisoners with financial resources live better than those without means. Family members and friends are allowed to visit regularly and to bring food and clothes. Consular officers are given regular access to foreign prisoners. Most prisoners accused of crimes in connection with guerrilla activities are incarcerated in regular prisons, although segregated from common criminals.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides the right to a judicial determination of the legality of detention. A person may be arrested if an order of capture (not an arrest warrant) has been issued or if caught in the act of committing a crime. The police must place the detained person at the order of a judge within 24 hours. The judge must hold a preliminary hearing, where an unsworn statement is given by the suspect, within 48 hours. During or after the preliminary hearing, if the judge finds that there is enough evidence to pursue the case, he issues an arrest warrant or an order of preventive arrest. Preventive arrest is an order to keep the person incarcerated until trial. Colombian law stipulates specific terms within which a trial must be held or the person is released. Colombian law also provides for the granting of bail, parole, and probation.

There are no legal provisions for exile. Forced or compulsory labor is legally prohibited, and the prohibition is respected.

e. Denial of Fair Public Trial

The judiciary is independent of the executive and legislative branches of government. The rights of public trial and due process are guaranteed by the Constitution. Prisoners have the right to representation by counsel. If a prisoner does not have an attorney, the court will appoint one. However, due to the overburdened and underfunded judicial system, the widespread practice of preventive detention, and the traditional reluctance to grant bail in serious cases, most prisoners incarcerated for common crimes never come to trial

but are simply released after serving the minimum sentence applicable to the crimes alleged. In October 1986, there were approximately 27,000 persons in prison, of whom 8,000 had been tried and sentenced.

The existence of a large and powerful narcotics subculture is a serious threat to the Colombian judicial system. Magistrates, judges, and attorneys have been threatened or killed because they were investigating, prosecuting, or trying narcotics traffickers or their associates.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution requires a court order before authorities can enter a private home, except in the case of hot pursuit. While Colombian human rights organizations allege widespread violations in the more remote areas, government forces generally respect the sanctity of the home and privacy in most parts of the country. Persons from rural areas frequently claim that they have been forced to leave their farms by military counterinsurgency operations, guerrilla conscription and confiscation, and by paramilitary thugs hired by local landowners.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These constitutionally guaranteed rights are respected as a rule, and the press often vigorously criticizes the Government and its leaders. The privately owned print media are under no governmental restraints and publish a wide variety of political views. Television channels are controlled by the State, which leases time to private companies and imposes some guidelines to insure equal time for political candidates. During the 1986 congressional campaign, three leading candidates appeared in a debate, and during the presidential campaign, the Government insured that each of four announced candidates received equal time for a series of national TV appearances. A pending electoral reform bill in the Congress would guarantee access to the electronic media for all political parties.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association is generally respected. Public meetings and demonstrations are normally held without interference. Under the state of siege, prior permission is required for demonstrations and is usually granted, except when there is a clear and imminent danger to public order. During 1986 no marches or demonstrations by major groups or parties were banned in the capital, Bogota. Some demonstrations were restricted in outlying towns and regions afflicted with guerrilla violence.

Colombian workers enjoy the right to organize and, in the private sector, to bargain collectively and strike. Use of strikebreakers is prohibited by law, and generous severance benefits tend to discourage management from firing union militants. However, many provisions of labor law are effectively ignored by small and medium-sized enterprises. Given a severe labor surplus, unions have limited bargaining power and have been unsuccessful in organizing beyond the largest firms and the public services. Only about 8 percent

of Colombia's economically active population is unionized, according to the latest government census of trade unions. The country's 880,000 union members are divided almost equally between the traditional "confederated" labor sector and the leftist "independent" sector. Of the four confederations, two are affiliated with the International Confederation of Free Trade Unions, one with the World Federation of Trade Unions, and one with the World Confederation of Labor. Some of the leftist independent unions are considering affiliation with a new labor confederation, ostensibly nonideological but under heavy Communist influence.

c. Freedom of Religion

The Constitution guarantees freedom of religion. According to official statistics, 217 different religious sects are registered in Colombia. Although an overwhelming majority of Colombians are Roman Catholics, no legal discrimination exists against any religious group. In practice, however, evangelical Christians and other non-Catholic groups operating in Colombia have found it difficult to obtain entry and resident visas for additional or replacement mission workers.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Colombians are free to leave and return to the country. In areas under government control where operations against rural guerrilla groups are under way, traveling civilians require "safe conduct" passes; guerrillas reportedly use a similar means to restrict travel in areas under their control. Colombians who have sought and been granted diplomatic asylum in foreign embassies have always been allowed to depart the country. Expatriates can, by law, repatriate.

Colombia in the past has accepted refugees; however, because of high unemployment and underemployment, the Government is increasingly reluctant to accept displaced persons. The Government does not involuntarily repatriate asylum seekers.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Colombia has a democratic system of government, and elections are conducted fairly and openly. Persons are enfranchised by the Constitution at age 18. Those convicted of certain crimes may be disenfranchised. Public employees are forbidden by law to participate in political campaigns but, with the exception of military personnel, can vote. Colombian politics are dominated by two major parties, the Liberal and the Conservative, and each includes elements with widely divergent political views. However, all parties are free to raise funds, field candidates, hold public meetings, have access to the media, and publish their own newspapers. The Patriotic Union, participating in national elections for the first time in 1986, won 3 seats in the Senate and 5 in the House of Representatives in the congressional elections and 4.5 percent of the vote in the presidential election, the best showing by a third party in recent history.

Legislation providing for direct election of mayors beginning in March 1988 was signed into law by President Betancur January 1, 1986. Under consideration by the Congress is legislation to expand "popular consultation"--popular referendums and recall of elected officials. In October the

Government proposed a constitutional reform that would provide up to six new congressional seats specifically for small parties on a national, rather than departmental, basis. The draft reform would also increase the number of congressional seats for the sparsely settled eastern plains, and would permit public financing of election expenses.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Colombia, an active participant in international and regional human rights bodies, currently chairs the United Nations Human Rights Commission, and has welcomed nongovernmental human rights organizations. The Human Rights Commission established by the Attorney General in 1985 continues to operate. Although it rarely meets as a whole, the assistant Attorney General for human rights, a member of the Commission, receives and investigates complaints of violations. The Permanent Committee for the Defense of Human Rights is the most active Colombian human rights organization. Its 94 members include members of Congress--a UP senator is the Executive Secretary--journalists, labor leaders, and persons in the arts, including Nobel laureate Gabriel Garcia Marquez. The Committee compiles statistics based on press reports and personal testimonies, which it turns over to the Government for investigation and possible prosecution. It has no staff or budget to verify such reports by conducting its own inquiries. The Committee's statistics have been used extensively by international organizations such as Amnesty International, Americas Watch, and the Washington Office on Latin America. The Committee also sponsors periodic human rights forums in Colombia.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Women have equal civil and property rights by law. Their economic situation is inferior, however, especially in rural areas. Women comprise just over 25 percent of the country's economically active population but are concentrated in low-productivity, low-income sectors. Historically, the unemployment rate for women has been higher than for men, but this difference has decreased in recent years. Although women, legally entitled to pay equal to that of their male counterparts, are normally paid equal salaries when employed by the Government, such is not generally the case in private industry. As more Colombian women graduate from universities and participate in the work force, they are increasingly active at all levels of society. A growing number of women are receiving higher education. Currently 40 percent of the university population, women also serve as legislators, judges, governors of departments (states), political party leaders, government officials, and diplomats.

Colombian Indians legally enjoy all rights and privileges of full citizenship. However, Indian rights groups protest that they suffer a variety of abuses and are seeking to promote local improvements through community action, public education, and legal aid. Their most common complaint is that they are forced off contested land by paramilitary thugs hired by large landowners. When the Indians retaliate, the landowners allegedly call on local police and military forces for protection. One Indian group has organized a guerrilla band,

the Quintin Lame, reportedly allied with other guerrilla groups against the Government.

The upsurge of land occupation by Indian groups that began in mid-1984 continued unabated into 1986. Some landowners attribute this to leftist political activists; other observers consider it a natural result of the rural land situation, perhaps exacerbated by current politicking over land reform. Whatever the cause, the trend of increased invasions continues to generate concern in government and among landowners.

CONDITIONS OF LABOR

The law prohibits the employment of children in most jobs before the age of 14, particularly where such employment might interfere with schooling. These provisions are respected in the larger enterprises and larger cities. However, the unofficial sector of very small businesses--workers employed by relatives, self-employed workers, and street vendors--is effectively outside government control. Approximately 2.5 million children under 15 work for low pay under poor conditions with little protection from the labor code in the unofficial sector. The labor code regulates the hours of labor and other work conditions. The 8-hour day is standard in larger companies, but the workweek generally exceeds 40 hours; a standard week of 5 8-hour days remains an important long-term goal of Colombian trade unions.

The Government annually sets a national minimum wage which serves as an important benchmark for wage bargaining. Workers' occupational safety and health are extensively regulated, including use of protective clothing and ventilation, first aid and firefighting equipment at the job site, sanitary facilities and potable water for workers, and compensation for injuries. These regulations apply to the larger agricultural enterprises as well as industry and mining. However, exemptions for small companies, the frequent use of workers as "subcontractors" rather than employees, and general enforcement difficulties leave very large numbers of workers outside the protection of the law. The Government is endeavoring to improve regulatory enforcement, and improved work conditions are a priority goal of the trade unions.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: COLOMBIA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	8.2	11.3	11.5
LOANS.....	0.0	0.0	0.0
GRANTS.....	8.2	11.3	11.5
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & MFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	8.2	11.3	11.5
LOANS.....	0.0	0.0	0.0
GRANTS.....	8.2	11.3	11.5
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	6.8	10.7	10.6
OTHER.....	1.4	0.6	0.9
II.MIL. ASSIST.-TOTAL...	25.3	0.8	4.3
LOANS.....	24.5	0.0	0.0
GRANTS.....	0.8	0.8	4.3
A.MAP GRANTS.....	0.0	0.0	3.3
B.CREDIT FINANCING....	24.5	0.0	0.0
C.INTL MIL.ED.TRNG....	0.8	0.8	1.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	33.5	12.1	15.8
LOANS.....	24.5	0.0	0.0
GRANTS.....	9.0	12.1	15.8
OTHER US LOANS.....	4.0	130.0	0.0
EX-IM BANK LOANS.....	4.0	130.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	1043.8	1210.1	709.2	8578.6
IBRD	464.1	707.5	700.3	5524.3
IFC	6.3	23.0	8.9	162.0
IDA	0.0	0.0	0.0	19.5
IDB	570.4	478.1	0.0	2782.1
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	2.5	1.5	0.0	62.7
OTHER-UN	0.0	0.0	0.0	28.0
EEC	0.0	0.0	0.0	0.0

COSTA RICA

Costa Rica has been a functioning constitutional democracy for almost four decades. The Government consists of independent executive, legislative, and judicial branches. Free and fair elections were held last in February 1986; some 80 percent of eligible voters participated. In the contest for president, Oscar Arias of the incumbent National Liberation Party (PLN) defeated the candidate of the opposition Social Christian Unity Party (PUSC). The President is constitutionally prohibited from succeeding himself, as are members of the Legislative Assembly. The 57 deputies in the Assembly are elected at the same time as the President and for the same 4-year term. The two major political parties, PLN and PUSC, dominate the Assembly, holding 29 and 25 seats respectively. Two rival Communist parties, which freely participate in the political process, hold two seats.

Costa Rica abolished its standing army in 1949. The country's security forces, which are subject to civilian control, are few in number and inadequately trained and equipped. Both police and national defense functions are performed by the Ministry of Public Security's Civil Guard and the Ministry of Government's Rural Guard in the countryside. With the persistence of troubled relations with Nicaragua and consequent fear of internal subversion, there is widespread popular support for upgrading the Civil and Rural Guards, but no significant public support for creating a professional armed force. The Judicial Police, charged with investigating crimes, is an agency of the judicial branch directly responsible to the Supreme Court. None of these entities has been associated with human rights violations.

In Costa Rica's mixed economic system, the right to hold private property is legally protected, and approximately 70 percent of the gross national product is produced by the private sector. Several government-owned autonomous agencies provide goods and services; the public sector is the nation's largest employer with around 20 percent of the work force. While inflation has been largely brought under control, unemployment and underemployment continue to be problems, especially among the young.

Costa Rica has maintained its excellent human rights record over the past year. The Arias administration has expressed its strong commitment to the long-standing Costa Rican tradition of respect for basic human rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Neither the Government nor any other official entity uses, abets, or condones political killing.

b. Disappearance

There were no known or reported incidents of abductions, secret arrests, or persons held clandestinely by any agency of the Government.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were no known allegations of mistreatment. The Constitution states that "no one shall be submitted to cruel or degrading treatment or to life imprisonment. A statement obtained through violence shall have no value." These injunctions are respected in practice. Prisoners are treated humanely in Costa Rica.

d. Arbitrary Arrest, Detention, or Exile

There were no known violations in this area. There is no detention for the expression of dissenting opinions. Warrants are required for both searches and arrests; the Constitution requires that an arraignment take place within 24 hours of arrest. These requirements are strictly enforced. There is no preventive detention. Persons detained are entitled to a judicial determination of the legality of the detention. It is unconstitutional to exile a citizen. The independent judiciary is effective in ensuring that legal and constitutional safeguards are observed.

The Constitution prohibits, and there are no known instances of, forced or compulsory labor.

e. Denial of Fair Public Trial

The judiciary is widely recognized as fair. Accused persons may select their own attorneys; access to counsel is guaranteed, with free public counsel provided for defendants without means. The right to an open, impartial trial is guaranteed and honored in practice. The right to bail is provided for in law and is observed in practice. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There were no reported instances over the past year of extralegal invasions of privacy conducted by, or with the knowledge of, agencies of the Government .

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution specifically guarantees freedom of speech and press. These freedoms are fully respected in practice. Two Communist parties publish weekly newspapers, and the media report developments across the political spectrum. There are 3 privately owned major newspapers, 3 privately owned television stations, and numerous radio stations, all of which pursue independent editorial policies. The media freely air differences with, and criticism of, the Government. There is no evidence of self-censorship or intimidation. Terrorist activities are fully reported. Foreign journalists have challenged the law requiring accreditation by the government-sponsored Costa Rican National Journalists Association in order to practice their profession. The Inter-American Court on Human Rights in 1985 declared the law incompatible with the Freedom of Information Guarantee of the Inter-American Human Rights Convention. The decision, which is consultative and nonbinding, was unanimous. The Government

of Costa Rica has not yet taken any action to respond to the court's decision.

b. Freedom of Peaceful Assembly and Association

Constitutional guarantees of freedom of assembly and association are fully respected in practice. A September 1986 demonstration in San Jose by small farmers protesting government agricultural policies produced a clash between police and protestors when the latter ignored an order to stop blocking traffic. Some demonstrators and politicians later charged the police with excessive use of force--tear gas was employed--but most observers concluded that the action was prudent and appropriate under the circumstances.

Workers have the right to organize. The right of organized labor to associate, as defined by the International Labor Organization, is fully honored. Unions are independent of government control and are free to maintain relations with recognized international bodies such as the International Confederation of Free Trade Unions. Several major unions, including those representing public service workers, are controlled by Communists.

Procedures for collective bargaining and arbitration of labor disputes are prescribed in law and followed in practice. The country's labor code states that when one-third of the workers in an operation are union members, the employer must conclude a collective agreement, if requested. The code also permits employees to set up permanent grievance committees to handle both individual and collective disputes. When labor disputes arise, the first attempt at a solution is made by the presiding judge of the formally designated Labor Tribunal in San Jose; labor inspectors handle the dispute if it is outside the capital. If conciliation fails, the case goes to a labor court which must approve a planned strike or lockout before the strike legally can begin. Public sector strikes are illegal. Unions have complained that the process of having a strike declared legal is complicated, time-consuming, and often fruitless. In 1986 there were six strikes, including a brief walkout of public workers declared illegal by the Government. None was of major economic significance. Both democratic and Communist unions displayed their dissatisfaction with government-mandated price increases and delays in salary increases by participating in a number of peaceful demonstrations, including the traditionally antigovernment May Day parade.

c. Freedom of Religion

Freedom of religion is guaranteed in the Constitution and observed in practice. Roman Catholicism is the official state religion, but other religious groups have significant numbers of adherents who participate without prejudice in the social and political life of the nation; a non-Catholic can be elected President of Costa Rica. Foreign missionaries and clergy freely enter Costa Rica. There are no restrictions on proselytizing.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no unusual restrictions on travel within the country or abroad. Emigration is not restricted. A citizen's right of return is guaranteed. Costa Ricans and foreigners are free

to live anywhere within the national boundaries. Costa Rica has supported multinational refugee programs and has accepted many refugees from Nicaragua, Cuba, other Central American countries, and South America. The continuing influx of Nicaraguan refugees has provoked government expressions of concern over strains on the economy and social fabric. As a result the Government in mid-1986 suspended processing of refugee applications and began to consider means of voluntary repatriation.

The Constitution specifically prohibits the Government from repatriating any foreigner who may be subject to political persecution in his own country. Costa Rica has traditionally afforded political asylum to exiled dissident groups of various political orientations.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Costa Rica is ruled by a government elected by its people. The Constitution provides for a free, open, and competitive electoral system, and this provision is scrupulously honored in practice. The integrity of elections--generally regarded as unimpeachable--is overseen by the independent Supreme Electoral Tribunal. No political party is outlawed or excluded from the electoral process; no party has dominated the affairs of the nation; no eligible voter is deterred from participating in elections; no ethnic, economic, or other group dominates; no segment of the citizenry is excluded from the political process. Representative bodies can and do reject government policy. Individuals can and do petition their elected representatives for legislative redress and assistance with government bureaucracies.

Women and minority groups participate freely in Costa Rica's elections. The nation's Second Vice President, the President of the National Legislative Assembly, and the Minister of Foreign Commerce are women.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A strong supporter of international and private human rights organizations, Costa Rica has extended a permanent invitation to the Inter-American Human Rights Commission to visit whenever it wishes. Costa Rica was one of the first countries to ratify the American Convention of Human Rights. It has accepted the jurisdiction of the Inter-American Institute Court of Human Rights, which is based in San Jose, and hosts the Inter-American Institute of Human Rights. Costa Rican government officials at the highest level participate in and actively support the human rights activities of both the Institute and the Court. Several major international human rights conferences sponsored by the Institute have been held in San Jose. Costa Rica is a member of the United Nations Human Rights Commission. Overall, Costa Rica has been in the vanguard in the promotion of human rights institutions.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Government has special programs to improve the conditions of native Indians, people in depressed areas, and other disadvantaged groups, and does not practice or condone

discrimination in the economic, social, or cultural spheres. The role of women, although still primarily domestic, is not limited. Women are represented in all professions, in the highest ranks of organized labor, in the private business sector, and in the Government.

Costa Rica's population includes some 30,000 West Indian Blacks and 25,000 Indians. English is the second language of the country, primarily because it is spoken by the Caribbean Blacks. Most of the Indians speak Spanish and live in their traditional manner on 19 reserves throughout the country. Because most live in remote areas, they often lack access to schools, health care, electricity, and potable water. The Government is currently involved in programs to provide primary education to the Indians and to buy out "islands" within the Indian reserves which are owned by non-Indians. Indians manage their own affairs through the National Indian Commission (CONAI). The CONAI Board elected in 1984, however, was charged with mismanagement and removed by the Government in late 1985. The ejected group denies the charges against it and asserts that the government of former President Monge intervened for political motives. The Arias Government has taken no decisive role in the dispute, which is now before the courts.

CONDITIONS OF LABOR

The 1949 Constitution defines the normal hours of the workday, remuneration for overtime, days of rest, and annual vacation rights. It specifies compensation for discharge without due cause, the right to a minimum wage, and special protection for women and minors. The minimum working age is 12, with special protections in force for workers under 15. A national wage board, composed of three members each from government, management, and labor, sets minimum wages and salaries for every occupation in every industry, including agriculture.

The Constitution sets normal work hours at 8 hours for daytime and 6 hours for nighttime work, with weekly totals of 48 and 36 hours respectively. Ten-hour days are permitted for work not considered unhealthful or dangerous, but weekly totals may not exceed 48 hours. Nonagricultural workers receive an overtime premium of 50 percent of regular wages for work performed in excess of the daily work shift. Agricultural workers are not paid overtime if they voluntarily work beyond their normal hours.

A 1967 law governs health and safety at the workplace. Industrial, agricultural, and commercial firms with 10 or more workers are required to have a joint safety committee. The law allows the Government to inspect workplaces and to fine employers for violations. However, a shortage of labor inspectors, especially outside San Jose, limits the Ministry's ability to ensure that minimum conditions of safety and sanitation are maintained.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: COSTA RICA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	169.8	220.0	142.5
LOANS.....	69.9	32.1	6.3
GRANTS.....	99.9	187.9	136.2
A.AID	145.5	195.5	139.2
LOANS.....	47.4	10.7	6.3
GRANTS.....	98.1	184.8	132.9
(SEC.SUPP.ASSIST.)...	130.0	169.6	126.0
B.FOOD FOR PEACE.....	22.5	21.6	0.0
LOANS.....	22.5	21.4	0.0
GRANTS.....	0.0	0.2	0.0
TITLE I-TOTAL.....	22.5	21.4	0.0
REPAY. IN $-LOANS.....	22.5	21.4	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.2	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.2	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	1.8	2.9	3.3
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.8	2.9	3.3
PEACE CORPS.....	1.8	2.9	2.6
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.7
II.MIL. ASSIST.-TOTAL...	9.1	11.2	2.6
LOANS.....	0.0	0.0	0.0
GRANTS.....	9.1	11.2	2.6
A.MAP GRANTS.....	9.0	11.0	2.4
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.1	0.2	0.2
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	178.9	231.2	145.1
LOANS.....	69.9	32.1	6.3
GRANTS.....	109.0	199.1	138.8
OTHER US LOANS.....	2.1	0.9	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	2.1	0.9	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	35.8	155.4	0.0	1213.1
IBRD	0.0	83.5	0.0	489.9
IFC	0.0	0.0	0.0	6.7
IDA	0.0	0.0	0.0	4.6
IDB	35.8	71.6	0.0	696.2
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.0	0.1	0.0	12.2
OTHER-UN	0.0	0.2	0.0	3.5
EEC	0.0	0.0	0.0	0.0

CUBA

Cuba is governed by a tightly interwoven hierarchy at the apex of which is a single individual, Fidel Castro, who is chief of state, head of government, leader of the Communist Party, and commander of Cuba's armed forces. Taking power in 1959 from a discredited dictatorship, the Castro Government quickly transformed itself into a Communist regime and instituted a far more systematically repressive order than had previously existed. Repression of basic human rights today is so pervasive that Cuba holds the dubious distinction of being the Western Hemisphere's most serious violator of human rights and fundamental freedoms.

Supported by a few long-time associates, Castro controls all aspects of Cuban life through a network of directorates ultimately responsible to the Communist Party. As in other Communist systems, the party is totally autonomous with self-perpetuating membership. Elections are held only to endorse party-approved candidates. The party determines the political, social, and economic norms and goals of the country. It ensures internal security and conformity with these goals through the Ministry of Interior, which operates border and police forces, orchestrates public demonstrations, decides on the legality of associations, investigates evidence of nonconformity, regulates migration, and maintains an intricate system of informers and block wardens. Article 61 of the Constitution states explicitly that civil liberties may not be exercised "contrary to the decision of the Cuban people to build socialism and communism." Thus, such liberties may be exercised only to the degree that the State deems expedient.

Before Castro took power, Cuba had an expanding economy and a substantial middle class. Per capita income was among the highest in Latin America although wealth was not evenly distributed and poverty existed, especially in rural areas. Today, income distribution is more egalitarian, but the political and military elite live in relative comfort, while the vast majority of Cubans must cope with a severe scarcity of housing, food items, and consumer goods. Most necessities are still rationed--28 years after the revolution--and sometimes wholly unavailable. Many consumer items can be acquired, if at all, only at high prices in the "parallel market." What "private sector" there is is too small to be economically significant. Inefficiency characterizes the state sector, where the incentive to produce is conspicuously absent. Cuban citizens are allowed to own personal property such as homes and autos, but cannot own any means of production in the national economy.

It is difficult to obtain precise information, particularly statistics, about human rights violations in Cuba because of tight controls by the Cuban Government and its continued refusal to allow visits by international human rights organizations. Nonetheless, the available evidence clearly shows that the Cuban Government continued to commit egregious human rights violations, including the arbitrary imprisonment of five leading officials of the Cuban Human Rights Committee, the sole, fledgling human rights organization in Cuba. Reliable information indicates there has been no lessening of the tight government controls on most aspects of life in Cuba.

Political prisoners released in 1986 have reported that the Government continues serious basic human rights abuses, including the use of torture and the denial of fair public trial. Many political prisoners have been forced to remain in

jail after the expiration of their original sentences. Arrests for political crimes have not abated. Free speech is not permitted. The practice of religion has been actively discouraged and in some cases is prohibited, in spite of an effort by the Government to appear open to a dialogue with the Catholic Church. In recent months, the regime has displayed some sensitivity to foreign opinion by releasing approximately 150 long-term political prisoners.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Summary execution of opponents has been a frequent practice of the regime since it came to power in 1959. Credible reports continued in 1986 that secret executions remain an instrument of policy, although without the show trials of the earlier period. While these executions may be preceded by a "trial," it is a trial in name only and does not meet minimum standards of fairness and justice: the verdict is often foreordained.

In August, Antonio Frias Sosa, a 17-year-old high school student and photographer reportedly working with the Cuban Committee on Human Rights, died mysteriously while in police custody within a few hours of his arrest. Police allege that he committed suicide.

In late 1986, nine persons jailed for religious activities reportedly were awaiting execution in Combinado del Este prison.

b. Disappearance

While there are no substantiated reports of disappearances in Cuba, persons detained for political offenses are often held, frequently incommunicado, for prolonged periods without being charged. Friends and family risk retribution if they inquire about their fate.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Long-term prisoners released in 1986 confirmed the inhuman conditions in Cuban jails. They also have confirmed previous reports of serious, systematic abuses including: torture by prison medical staff and others; beatings by prison officials; inadequate diet; withholding medical care, fresh air, and exercise, denying family visits and mail for years; solitary confinement; physical injury caused by electronic noise machines; and medical experiments on unsuspecting prisoners. A political prisoner has asserted that torture is systematically practiced in Cuba's prisons. Cuba's treatment of political prisoners has repeatedly been denounced by the Inter-American Human Rights Commission, as well as by other international organizations.

In late August, the secret police arrested and reportedly tortured Dr. Domingo Jorge Delgado and Jose Luis Alvarado, members of the Cuban Committee for Human Rights. According to some reports, Delgado was arrested after he tried to register the Committee under the Law of Associations.

Political prisoners who refuse to accept political indoctrination or be classified as common criminals are known as "plantados" and are subject to particular abuse. Because Cuban authorities have required them to wear the uniforms of common criminals, which they refuse to do, the "plantados" dress only in pajamas or underwear or wear no clothing at all. Visits by friends or relatives are limited to 1 or 2 per year, or less, and letters to 1 per month.

d. Arbitrary Arrest, Detention, or Exile

Arrests can be made by state security forces acting secretly and without warrants. Those arrested can be and often are detained for long periods without judicial hearings. If a hearing does take place, the detainee may or may not be allowed a lawyer. Under Article 61 of the Constitution, no legal protection can be invoked to prevent the State from arresting anyone it considers harmful to the "decision of the Cuban people to build socialism and communism." Incommunicado detention is not unusual. People arrested for vandalism, practicing certain religions, or criticizing the regime can be charged with sabotage and counterrevolutionary activities.

Political prisoners are not routinely released at the end of their terms; whether they are freed depends on a personal decision by Fidel Castro, who frequently has used the release of political prisoners to gain favor with influential foreign visitors or to put the latter under obligation to "respond" in some manner.

A case in point is that of Pastor Macuran Gonzalez, who was released in 1986 after almost 28 years in prison, though he had been originally sentenced to only 10 years. On completion of his original sentence, he was told he had to serve 15 more years. There were no additional charges, nor was there a new trial.

There is no bail for defendants charged with crimes against state security or crimes for which the death penalty or the maximum prison sentence can be imposed.

Preventive detention is permitted and routinely practiced in cases of "dangerousness", a broad, arbitrary classification used for individuals deemed by the regime to have a proclivity toward conduct "contrary to Socialist principles." The Government commonly detains large numbers of persons before public celebrations and political events to ensure that there will be no threat to public order.

When released, former political prisoners are subject to constant surveillance and official harassment. They are routinely denied ration cards, identification documents, and employment. A notorious example of abuse is Ricardo Bofill Pages, president of the Cuban Committee for Human Rights, who was released from his second prison term in 1985. After his release he was placed under virtual house arrest, with severe restrictions on his movements. Denied the means of earning a living, he had to rely on the generosity of others. He was detained and questioned on a number of occasions. Bofill, who has a wife and son in the United States, has been denied permission to emigrate and was refused adequate medical treatment. Following the Government's move against Committee members in August, Bofill, fearing imprisonment again, sought refuge in the French Embassy, where he remained at year's end.

CUBA

Forced labor is a routine part of prison life in Cuba.

e. Denial of Fair Public Trial

Although Cuban courts are described constitutionally as "independent," in practice they are subordinate to the Communist Party through the National Assembly of the People's Power and the Council of State. All civil courts are presided over by a five-person panel of judges. Three are professionally qualified; the other two are "workers' representatives" who see that the "interests of the revolution" are protected. People accused of certain counterrevolutionary activities are tried and sentenced secretly by military tribunals.

The principle of habeas corpus, or the right to a judicial determination of the legality of detention, does not exist. Although defense lawyers are theoretically available to all defendants, attorneys have been jailed for defending persons charged with political offenses. One of those attorneys, Aramis Taboada, died in a prison hospital in November 1985, under still unexplained and highly suspicious circumstances. At least two other attorneys, Domingo Jorge Delgado and Francisco Morua, have been jailed for their efforts on behalf of political defendants. Under these conditions, it is very difficult for a political defendant to retain legal counsel. Most must rely on public defenders. These government employees are generally ill-prepared and unsympathetic to the plight of their clients.

Defendants accused of nonpolitical offenses fare little better in Cuban courts. As observed in the recent trials of a number of American citizens imprisoned in Cuba, the courts do not adhere to rules of evidence or procedures acceptable under international norms. In one case, the accused was never permitted to speak to his court-appointed attorney.

Fidel Castro told foreign journalists in February 1985 that "political prisoners...amount to about 200..." He also said the number of individuals "sentenced for counterrevolutionary activities" could be as many as 1,000. Americas Watch and Amnesty International have published estimates of 250 to 1,000. Ramon Conte Hernandez, a Bay of Pigs veteran released in October 1986, estimates that 300 long-term political prisoners remain in jail after serving 20 years or more, while another 1,000 political offenders have served lesser terms but are still in jail.

On the other hand, political prisoners released in 1984 contended that the total number of political prisoners was close to 10,000, and a survey in 1985 of various human rights organizations produced numbers as high as 15,000. Moreover, the Cuban Committee for Human Rights in 1985 estimated that there were 12,500 political prisoners in jail, including 3,000 in military jails comprising, according to the Committee, mainly conscientious objectors and those who refused to serve with Cuba's overseas forces. The great discrepancy in estimated totals is attributable in part to varying definitions of political offenses. There are probably several thousand Cubans in prison for attempting to leave the country, a political crime in Cuba, who have committed no other act against the regime. In fact, few of the political prisoners have taken part in any form of violence; the vast majority have been imprisoned for attempting to exercise such legitimate

human rights as freedom of speech, religion, association, and assembly.

In recent years, the Government has released small groups of political prisoners with an eye toward international opinion and its own political agenda. In 1986 Cuba released about 125 long-term political prisoners, some on requests from the United States Catholic Conference and from the French oceanographer Jacques Cousteau.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Daily life is closely monitored by the Committees for the Defense of the Revolution (CDR) that exist on virtually every block in Cuban municipalities, and in which membership is essentially mandatory. CDR members are expected to report anything "unusual," including strangers (especially foreigners) in the neighborhood, reception of foreign radio and television broadcasts, conspicuous consumption, unauthorized meetings, or critical comments about the Government. Cubans overheard by neighbors reportedly have been fined for speaking disparagingly of Fidel Castro in their homes. As thefts and burglaries increased during 1986, the CDR's were exhorted to become security guards as well.

Few aspects of an ordinary Cuban's private life are free from state surveillance. Police searches of homes are carried out without warrants. Telephones are tapped, and mail is opened.

Family life is complicated in Cuba by educational practices which often separate children from their parents and teach that the State's interests have priority over family ties. Further disruption is caused by strong pressures to participate in "voluntary" Communist party-related activities. Parents fear, rightly, that teaching their children religious practices, even in their homes, will harm the children's careers. There is a mandatory requirement for families to send all high school students, even as young as 11 years old, on annual 75-day stints of "voluntary work" at remote camps in distant rural areas. Conditions there are those of forced labor camps: no running water, no toilets, minimal food, long hours--as many as 16 a day, 6 days a week, plus a few on Sunday--of hard manual labor, prison-like discipline, and family visits only on Sunday. The children reportedly are subjected to intensive Party indoctrination during these periods.

The arrests of Cuban Committee for Human Rights members Delgado and Alvarado were followed by a search of the group's offices on August 28. Police confiscated 950 copies of the Universal Declaration of Human Rights, committee files, and printing equipment.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There is no freedom of speech or press in Cuba; all media are controlled by the State and are used for indoctrination and dissemination of propaganda. They publish or broadcast nothing that is not in consonance with the party line. There are credible reports that broadcasters have been dismissed or punished for casual comments, such as making a sarcastic remark about the artistic merit of East European children's

programs on Cuban television. Intellectual expression is limited to activities that conform to government policy lines.

Foreign radio and television broadcasts are jammed. A shrill hum is transmitted to interfere with broadcasts of the Voice of America's Cuba Service, Radio Marti. Some Miami radio stations are also jammed. Non-communist foreign periodicals are rarely permitted to circulate.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly and association is not guaranteed and in practice is actively discouraged. Any group meeting is almost certain to be monitored by the CDR or representatives of state security. All associations are controlled and most are sponsored by the party or Government. A few private associations exist at the sufferance of the Government and at the risk of the members.

There is no recognized right of labor to organize, bargain collectively, or strike. A well-established and active labor movement existing in 1958 was taken over by Communist cadres who took office even when defeated in democratic elections. Most leaders of these unions, including many previously allied with Castro, were jailed. Cuban workers are required to belong to the officially sponsored Confederation of Cuban Workers (CTC). The CTC sends worker delegates to meetings of the International Labor Organization (ILO). The CTC is affiliated with the Communist-dominated World Federation of Trade Unions. It is not an independent trade union but rather a mass organization under party control. It uniformly supports all government political initiatives.

c. Freedom of Religion

Church-State relations are administered by the Religious Affairs Office of the Central Committee of the Cuban Communist party. Established in 1985, the Office is headed by a person who has long handled such questions for the party. In February 1986, the Government allowed the Cuban Catholic Church to hold a national conference for the first time in 20 years. Church representatives from the Vatican and other countries also attended. Although the Church believed it had government permission to circulate several thousand copies of the final conference report within Cuba, this has not yet been done. Also in 1986, Castro gave permission to Mother Teresa of Calcutta to found a small branch of her order in Havana. The Government has, in turn, attempted to obtain the Church's endorsement of its views on such issues as the foreign debt of Latin American countries.

Despite these few modest signs of greater official tolerance, and notwithstanding a constitutional guarantee, Cubans who practice their religion face serious discrimination. Religious groups must register with the Government. The Jehovah's Witnesses Church was refused permission to register, and its buildings were confiscated. Religious materials generally may not be distributed freely in Cuba. Though the Third Party Congress in February 1986 softened party criticism of religions, openly religious Cubans are still excluded from all important positions in the Government and denied advancement in many fields.

The Government makes no provision to respect the beliefs of Seventh-Day Adventists who object to compulsory work and

school attendance on Saturday. No exception to military service is made for conscientious objectors. Those who refuse to serve for religious reasons are jailed. There are reports that they have been incarcerated for much longer periods than others who fail to fulfill their military obligations.

Castro has admitted that the regime discriminates against adherents of religious faiths. Long-term government policies to discourage religious observance have had a demonstrable effect. The majority of worshipers are over 50 years of age. CDR's monitor attendance at the few neighborhood churches still open, so that many churchgoers prefer to attend large downtown churches where they hope to remain anonymous. While four Protestant and two Catholic seminaries are allowed to operate, religious elementary and secondary schools, as well as universities, are prohibited.

Clergy and lay officials of Protestant as well as Catholic churches are usually allowed to travel abroad on church matters. However, international contacts of all Cuban churches are carefully monitored by the state security apparatus.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Domestic travel is unrestricted by law, and Cubans are permitted to change their jobs and residences. In contrast, permission is required both to leave and to reenter the country. Until recently, nonofficial foreign travel was generally limited to rare cases of special humanitarian concern, such as illness in a family; other exceptions were clergy or lay officials on church business, women over 60, and men over 65. Even travel by these last two groups has been severely curtailed.

Emigration is strictly controlled, and those who apply to leave may lose their jobs, houses, and ration books. Moreover, their children may be refused further schooling. In some cases, the intending emigrants are physically and verbally abused. Draft-age males and professionals have reported that the Government will allow them to emigrate only if they pay tens of thousands of dollars, ostensibly to reimburse the Government for the cost of their education. The few people permitted to emigrate must leave behind almost all their personal and household possessions and are forced to pay discriminatory air fares. They must also pay exorbitant fees for travel documents. These fees must be paid in hard currency, which by law is not available to Cuban citizens; it must be obtained from relatives or friends abroad.

On December 16, the Government announced a last-minute decision which showed particular disregard for the human rights of 20 former political prisoners, their families, and relatives in the United States. The former prisoners and their families, numbering 48 in all, were expected to arrive in Miami on a December 17 early morning charter flight from Havana. However, in the afternoon of December 16, the Cuban Government informed the U.S. Interests Section in Havana that exit permits for former political prisoners were not being granted at that time. In addition to the bitter disappointment at not being reunited with relatives in the United States for the Christmas holidays, most of the refugees had no place to go, having turned their houses over to the Government, as required, in advance of their December 17 departure date. In one case, the 71-year-old

wife of a former prisoner surrendered her house in a distant province and went directly to Havana airport. Only upon arrival late in the evening, did she learn that she could not be reunited with her husband. In addition to this group of 48, over 150 other former political prisoners and relatives were still awaiting exit visas from the Cuban Government in order to travel to the United States.

On December 14, 1984, Cuba and the United States signed an agreement under which Cuba, as required by international law, would allow the reentry of 2,746 Cuban citizens found to be excludable from the United States, and the United States would reinstitute processing of Cuban applications to immigrate to the United States. In May 1985, Cuba unilaterally suspended the agreement, thus preventing the reunification of thousands of families. The Government also has sharply restricted the travel to Cuba of residents of the United States who wish to visit relatives.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Cuba is firmly controlled by the Communist Party, which in turn is dominated by Fidel Castro. Members of the Central Committee and the Politburo are selected by a narrow circle of party rulers. Elections simply ratify choices already made. The National Assembly of People's Power meets briefly twice a year, solely to endorse decisions already made by the party. No political opposition is permitted in Cuba; dissidents are in jail, outside the country, or forced to remain silent. There is no legal way for citizens to change their government; as a result, hundreds of thousands of Cubans have fled their country, and many others would do so if they could.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Cuban Government routinely denies that there are violations of human rights in the country but refuses permission for outside organizations to investigate its claims. The ILO Committee on Freedom of Association considered a complaint alleging the imprisonment of striking Cuban workers, as well as the sentencing to death of workers who tried to organize an independent trade union on the model of Solidarity in Poland. Lawyer Aramis Taboada, who participated in the defense of the workers, was subsequently arrested. The ILO dropped the matter in 1984 when it became clear that the Cuban Government would not allow access to information necessary for further investigation.

In October 1985, a delegation sponsored by the Center for Development Policy visited Cuba. Though not a human rights organization, the delegation included representatives of nongovernmental human rights organizations and discussed human rights in meetings with Fidel Castro and other Cuban officials. Members of the group reported that no progress was made on human rights issues. A promise to provide a list of political prisoners to the group was not honored.

Although the International Committee of the Red Cross (ICRC) helped Cuba arrange the repatriation of Cuban nationals from Grenada in November 1983, the ICRC has not been accorded access to Cuban jails or permission to visit political prisoners. Americas Watch and Amnesty International have also been refused

such access. A representative of the Committee on Hemispheric Affairs was to visit in November 1986, but his visa was abruptly withdrawn when the Cuban Government learned the reason for the visit was to discuss human rights--rather than Central America. The American Civil Liberties Union fared no better in its attempts to obtain visas. The few human rights activists in Cuba who are not in jail are forced to carry out their activities clandestinely.

The Government also severely limits the ability of foreign journalists to report on human rights violations. Fidel Castro has boasted about how carefully foreign journalists are watched in Cuba. In 1983, two French journalists were detained for 10 days and then expelled from Cuba because they had met with Cuban human rights activist Ricardo Bofill Pages, who was himself imprisoned for meeting with them. In 1985, the Agence France Press (AFP) correspondent in Cuba was expelled for writing an article on a Cuban law firm--an agency of the Government--that extracted large payments for exit permits for Cubans married to foreigners. In September 1986, the correspondents for both AFP and Reuters were summarily expelled for filing a report on the Cuban Committee for Human Rights and the arrest of its members. Earlier, two American newspaper reporters preparing a story on Cubans who had returned from the United States under the short-lived 1984 migration agreement had their trip cut short when they conducted interviews not previously authorized and arranged by the Cuban Government. Other foreign journalists were forced to leave Cuba for having taken pictures of one of the houses occupied by fugitive American financier Robert Vesco, who was residing in Cuba.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Although discrimination against women and minorities is outlawed, few women hold high positions in government or the party. However, there were some small gains in this regard in 1986. Women now make up 18 per cent of the full and alternate members of the Central Committee of the Communist Party. Raul Castro's wife, a veteran Communist, was selected as a full member of the party Politburo.

Blacks and other minorites are underrepresented in the top levels of government. The Government claims that Blacks and persons of mixed race now account for 28 percent of the membership of the party Central Committee, some improvement over previous levels. Only one black is a full member of the Politburo; another is an alternate.

CONDITIONS OF LABOR

The standard Cuban workweek is 44 hours, which includes 8 hours every other Saturday. Provisions for worker safety and control of industrial pollution are substantially below standards of industrialized Western countries. The mininum wage is about US$107 per month. Workers receive 1 month of annual vacation. Cubans do not normally begin working before the age of 17, although under some circumstances they may begin at 14. Minors under age 17 are not permitted to work under hazardous conditions or for more than 7 hours a day or 40 hours a week. However, students as young as 11 are required to spend from 6 to 10 weeks a year performing agricultural work, such as harvesting crops, for which they receive no wages. As previously mentioned, the conditions under which this work is

performed and its mandatory nature resemble that of forced labor.

Throughout 1986 Fidel Castro and other senior officials bitterly criticized both management and labor in Cuba for lack of enthusiasm and discipline, resulting, in their view, in poor economic performance. Criticism of work standards and threats of severe punishment accompanied these denuniciations which were termed the "Rectification Campaign." Such pressures on workers and managers alike to work harder or face disciplinary actions increased the unrest and fear which normally characterizes Cuban society.

DOMINICA

A member of the British Commonwealth, Dominica has a system of parliamentary democracy dating back to British colonial rule before 1978. Prime Minister Eugenia Charles and the governing Dominica Freedom Party (DFP) won the July 1980 general elections and were reelected to a second term in July 1985. Both elections were free, fair and open; voter participation was heavy, which has become traditional in Dominica. The opposition Democratic Labour Party (DLP) formed a coalition with a number of smaller opposition groups before the 1985 elections and won 43 percent of the popular vote.

Since the Dominica Defence Force was disbanded in 1981 following two violent coup attempts, the police are the only security force in Dominica. A small police Special Service Unit (SSU) has been organized and provided some light infantry training, and a Marine Wing has been organized within the police force to function as a coast guard. Both the SSU and the Marine Wing are supervised by the Commissioner of Police.

Dominica is among the least developed nations in the Eastern Caribbean. Although it has largely recovered from hurricane damage sustained in 1979 and 1980, economic growth and development remain sluggish. With the assistance of foreign donors, the Government is encouraging foreign investment and rehabilitating critical economic infrastructure. Unemployment and underemployment are Dominica's major economic and social problems.

Dominica's human rights record remained good during 1986 with no reports of significant violations.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of politically motivated killings.

b. Disappearance

There were no reports of disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reports in 1986 of torture or cruel, inhuman or degrading treatment or punishment. In August 1985, six Dominican policemen were charged with manslaughter in connection with the 1981 death of John Rose Lindsay. Lindsay, a Dominican national, was arrested by the police and found dead hours later at the bottom of a cliff. Three of the six policemen were acquitted and the remaining three were expected to be tried before the end of 1986. Six other policemen were suspended from duty and reprimanded for alleged misconduct in connection with Lindsay's death. Manslaughter charges in the Lindsay case were the result of an official government inquiry.

d. Arbitrary Arrest, Detention, or Exile

Dominican law requires that persons arrested or detained be charged with a crime within 24 hours or released from

custody. This requirement is honored in practice. There were no reports of arbitrary arrest or exile in 1986.

Forced or compulsory labor is not known to take place in Dominica.

e. Denial of Fair Public Trial

Public trial is provided before an independent, impartial court. Criminal defendants are presumed innocent until proven guilty, are allowed legal counsel, and have the right of appeal on legal or procedural matters. Indigent criminal defendants are provided legal counsel only in capital cases.

In November 1985, former Prime Minister Patrick John was convicted on charges of treason for his role in a 1981 coup attempt. John was represented by legal counsel, and was free on bail during the court proceedings. He was sentenced to 14 years in prison and is now serving his sentence. Unable to take his case to the Privy Council in London for financial reasons, John appealed his conviction to the Eastern Caribbean Supreme Court, which denied the appeal. Having been elected to Dominica's Parliament in July 1985, John was required by law to resign the seat following his conviction.

f. Arbitrary Interference with Privacy, Family, Home or or Correspondence.

The Constitution prohibits arbitrary entry, search, and seizure. There were no reports in 1986 of arbitrary government intrusions into the private lives of individuals.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution establishes the right of free expression, which is affirmed in practice. The political opposition freely criticizes the Government. Dominica's only radio station is state owned, and the principal newspaper is independent but generally favors the ruling DFP party.

The opposition DLP staged a boycott of Parliament in August 1985 to protest the Government's decision to end live broadcasts of parliamentary sessions. In May 1986, the DLP's elected representatives resumed attending parliamentary sessions, but continued to limit their participation. In response, the Government beginning in July 1986 withheld the salaries of DLP parliamentarians for failure to participate in debates. The opposition plans to take legal action to force the Government to pay the salaries. The Government has indicated that it will abide by a court ruling on the issue.

b. Freedom of Peaceful Assembly and Association

Freedom of association and the freedom to assemble are honored without exception. Opposition groups hold rallies, meetings, and conventions without hindrance from the Government.

Labor has the right to organize, to bargain collectively, and to strike. Labor unions are independent, but are not a significant political force owing to small membership.

The Banana Growers Association and the Civil Service

Association are strong organizations which play a significant political role.

c. Freedom of Religion

Dominicans are primarily Roman Catholics or Anglicans, but a small Muslim community also exists. There have been periodic allegations of police harassment of members of the Rastafarian cult, usually for narcotics-related offenses.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration and Repatriation.

These rights are guaranteed by law and honored in practice.

Section 3 Respect for Political Rights: the Right of Citizens to Change Their Government

Dominica has a parliamentary system of government in which citizens have clear political choices and opportunities through free elections to change their government. The governing DFP and opposition DLP represent a broad political spectrum. In the July 1985 general elections, the DFP won 15 seats in the House of Assembly, while the remaining 6 seats were won by the DLP and a small affiliated party. The opposition has since lost two seats--one in a by-election following the resignation of Patrick John, and the second after the resignation of a DLP parliamentarian.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is responsive to complaints about human rights violations. No international human rights organizations have branch offices in Dominica. The Dominica National Workers Union's Human Rights Committee occasionally has published allegations of human rights violations in Dominica. The union is not affiliated with any recognized labor organization and has not negotiated or represented its members in any labor contracts or agreements. It charged that the June 1986 execution of former Deputy Defence Force Commander Frederick Newton constituted a human rights violation. Newton and five Defence Force members were tried, convicted, and condemned to hang for their participation in a December 1981 attack on police headquarters in which a policeman was killed. A clemency board commuted the death sentences of the five Defence Force members to life imprisonment and left Newton's sentence unchanged. Newton was represented by defense counsel provided at government expense, and decided not to file a final appeal to the Privy Council in London.

Section 5 Discrimination Based on Race, Sex, Religion, Language or Social Status

Dominican law does not restrict the role of women in the nation's public or social life. The traditional role of women, once limited to the home and family, is changing rapidly, although a pattern of domestic violence and sexual harassment including rape remains common in the society. While statistics are unavailable, religious and other social welfare organizations estimate that over half the women in Dominica experience some form of domestic or sexual violence before age 20. Government efforts at public education and awareness appear to be reducing the incidence of such violence.

DOMINICA

CONDITIONS OF LABOR

The legal minimum working age is 14. The standard work week is 40 hours in 5 days. Workers are given a minimum of 2 weeks annual vacation. An occupational health and safety law in keeping with ILO standards was passed in 1984. A minimum wage is established by law.

DOMINICAN REPUBLIC

The Dominican Republic is a constitutional democracy with a popularly elected president and a bicameral congress. The Supreme Court heads an independent judiciary whose members are appointed by the Senate. The military is fully responsive to the civilian governmental authorities and committed to constitutional order.

National elections were held May 16, 1986 for the sixth consecutive time since 1966. Salvador Jorge Blanco completed the final year of his 4-year term, turning power over to president Joaquin Balaguer Ricardo, leader of the principal opposition party and winner of the May elections, on August 16. Parties representing the political spectrum from left to right freely participated; over 70 percent of registered voters went to the polls on election day.

The Dominican Republic is a developing country with a mixed economy based primarily on agriculture and services. The Government accounts for 20 to 25 percent of the gross domestic product and controls several major industries. Historically, sugar has been the Dominican Republic's principal export, although both tourism and remittances from Dominicans abroad now generate more foreign exchange. The Government has renegotiated most of its commercial and public bilateral debt, and stabilized the market-determined exchange rate. Nonetheless, living standards have fallen, especially for the poor and lower middle class majority.

During 1986, Dominicans continued generally to exercise and enjoy the broad range of human rights guaranteed them under the 1966 Constitution. The political environment remained unrestricted, and individuals and political groups freely debated and criticized the policies and programs of the Government. The May 1986 elections were open, fair, and competitive, although there were incidents of political violence during the election campaign and in the postelection period. While opposition to government economic austerity measures led to periodic protests and strikes, and economic discontent played a role in the election of Joaquin Balaguer, there was no repetition of the violent disturbances of April 1984.

Key figures in the ruling party and the new Government, including President Balaguer, have publicly affirmed their commitment to respect human rights. On several occasions since assuming office, the new administration removed military and police officers from office and reprimanded them, citing human rights abuses as one factor. Government officials have also commented on the need to improve prison conditions and to curtail the time period between arrest and trial.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Although there were no known cases of government-instigated killings in 1986, there were approximately 13 deaths related to the May elections. Prior to the elections, there were six killings as a result of violent clashes between supporters of the two principal political parties, the Dominican Revolutionary Party (PRD) and the Social Christian Reformist

Party (PRSC). These deaths were not planned political assassinations, but occurred in different parts of the country when the two rival political organizations held competing campaign events; similar incidents occurred during the 1982 election campaign. On election day, there were three more violent deaths in incidents at two polling places. Subsequently, four people were killed during a political demonstration by PRD members and Santo Domingo municipal workers at the headquarters of the Central Electoral Board (JCE) on June 23. As a result of this last incident, the commander of security forces at the JCE was summarily dismissed from the armed forces and a military investigating committee recommended that some 30 other officers and troops be sanctioned. In December, while 9 officers were either disciplined or retired, a joint military-police tribunal held that there was insufficient evidence to prosecute 20 other security force members accused of firing on the demonstrators.

The January 1985 murder case of foreign exchange trader Hector Mendez and his chauffeur, in which there were allegations of involvement by government and police authorities, remains before the courts. The judge hearing the case resigned from the bench in August.

b. Disappearance

There were no credible reports of politically motivated disappearances in 1986.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, and it is not practiced.

The press routinely reports cases of police abuse. Prisoners and their families have access to the press, a fact that encourages the Government to take corrective action. In most instances, government and police officials have indicated a concern to redress improper behavior by police, but they have not always effected the needed changes. In early 1986, there were several cases in which the police were accused of both beating and murdering protesters or alleged criminals. The death of a sugar worker during a January strike and confrontation at the state-owned Catarey sugar refinery led to the dismissal and prosecution of the policeman involved. In addition, a police captain was sentenced to 15 years in prison for his involvement in the shooting of 3 brothers. In February, an official autopsy revealed that a young man, who police had claimed was killed in a motorcycle crash while attempting to escape, died as a result of being beaten and shot by police authorities. The two officers responsible for this action were dishonorably discharged and placed before the courts on criminal charges. In March an army-police tribunal dismissed charges against two corporals who were under investigation for the October 1985 shooting death of bandleader Tony Seval while the latter was in police custody. The new chief of police, named when the Balaguer Government took office in August, has issued instructions reminding members of the police that persons detained are entitled to "humane and rational treatment."

The inadequately financed prison system suffers from unsanitary conditions and overcrowding. The overcrowding results in part from the slowness of the judicial process under which many prisoners remain in custody while awaiting

trial. Financial constraints continue to handicap the Government's ability to improve the prison situation. The new Attorney General has publicly recognized the poor conditions in the prisons, including the frequency of tuberculosis because of dietary deficiencies and the lack of medicines, and has pledged to work to improve the situation.

d. Arbitrary Arrest, Detention, or Exile

There are no known instances of arbitrary arrest, illegal detention, or exile of individuals for expressing views contrary to or critical of the Government. The Constitution stipulates that suspects may be detained for a maximum of 48 hours for investigation before arraignment. After 48 hours, those detained must be charged or released, and this requirement is routinely observed. Shortly after assuming office in August, the national police chief issued instructions reminding all police of this requirement.

e. Denial of Fair Public Trial

There are no known political prisoners.

The Constitution guarantees a public trial. No special court for political or national security cases exists, and civilians may not be tried by a military court. Members of the armed forces are not tried by civilian courts, except under specified circumstances and only after a military board has reviewed the case and decided to pass it to the civilian courts. The appeals procedure, which includes appellate courts and the Supreme Court, is widely utilized. Court-appointed lawyers normally are provided at public expense to indigents only in criminal cases; they are seldom provided in criminal misdemeanor cases where their provision is at the court's discretion. Prosecuting attorneys are appointed by the executive branch.

Judges at all levels are approved by the Senate. They are independent of the executive branch and subject to removal or transfer by a majority vote in the Senate. Their terms of office correspond to that of the President and other elected officials, ending on the last day of the incumbent administration regardless of date of appointment. Judges have displayed independence in their actions and are not known to persecute opponents of the administration. However, judges earn a relatively low salary, and the fairness and quickness of some trials have been subject to allegations of influence and manipulation. There is a widespread public belief, buttressed by credible reports, that a number of judges and prosecutors at the lower court level accept bribes. The Dominican Bar Association in March and June charged some judges and prosecutors with corruption and selling sentences.

The slowness of the judicial system has come under criticism from several sectors. The Attorney General reported that only 18 percent of the inmates in the country's prisons had been sentenced by the courts, citing cases where prisoners had spent as long as 10 years awaiting trial.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There were no reports of arbitrary governmental interference with the private lives of individuals or families. Constitutional safeguards against invasion of the home

normally are observed. A residence may not be searched except in the presence of a prosecutor or an assistant prosecutor, excluding cases of "hot pursuit" or in instances where there is probable cause to believe that a crime is actually occurring within the residence. Because of theft within the postal department, there is little public confidence in the mail system.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These liberties are guaranteed by law and respected. Dominican newspapers are privately owned and freely reflect opposition points of view and criticism of the current Government. The numerous privately owned radio and television stations air all political points of view. Moreover, there are frequent exchanges of views between government officials and the media.

There is no government censorship on political grounds. However, for 11 days following the May elections, all television and radio stations were prohibited from broadcasting any information about the elections, including the results. During this period the various stations either did not broadcast at all, broadcast only music (with no news of any kind, national or international), or linked up with the official television and radio chain controlled by the Central Electoral Board. Newspapers did provide full news coverage of election events and other news topics.

In December 1985, the media and political opposition criticized the Government for ordering a commercial television station, Channel 13, to remain off the air. The station was owned by a prominent political figure of an opposition party. The Government stated that the station was ordered not to broadcast because of technical irregularities. In July a court ruled that there did not exist any legal or technical reason to keep Channel 13 off the air. The station began broadcasting again in September.

While customs authorities from time to time confiscate Communist literature, books of all political persuasions are readily available for public sale. University autonomy and academic freedom are respected by the Government.

b. Freedom of Peaceful Assembly and Association

These freedoms are guaranteed by the Constitution. Outdoor public marches and meetings require official government permits, which are granted routinely. Throughout 1986--especially during the pre-election campaign period--there were numerous such gatherings of parties and groups of diverse political orientations. Indoor gatherings of political parties, labor unions, and other associations are unrestricted.

Labor unions historically have not played a significant role in the Dominican Republic, and less than 15 percent of the labor force is organized.

The trade union movement is fragmented--there are eight recognized national labor confederations--and, except for the National Confederation of Dominican Workers (CNTD), highly politicized. Moreover, the confederations exercise only a limited degree of control over their affiliates. In 1986, 229

new unions were formed and officially recognized. Several of the confederations are affiliated with regional and international labor organizations.

A significant portion of Dominican organized labor is Communist controlled or influenced. The politically affiliated organizations frequently pursue partisan objectives rather than workers' economic demands. The Government on occasion has briefly detained labor union leaders in order to stop strikes or other labor actions it considered illegal. Rising unemployment--28 percent for 1986--and the deterioration of the nation's economy have hampered the growth of organized labor. Unions have the right to negotiate and to strike, but operate under the handicap of a dated labor code, written during the Trujillo dictatorship, that gives unions few rights vis-a-vis management. For example, there is no effective protection for organizers or union officials. Proposed legislation to modernize the labor code and strengthen worker rights remained stalled in Congress in 1986.

Professional organizations of lawyers, doctors, journalists, and others function freely. Like the unions, these organizations are free to maintain relations with counterpart international bodies of diverse political philosophies.

c. Freedom of Religion

Discrimination on racial, religious, or ethnic grounds is prohibited by the Constitution. There are no religious requirements to hold public office, no restrictions on the practice of religious faiths, and no social discrimination based on religion. However, approximately 95 percent of the population is Roman Catholic, and the Church's preeminent position is accepted by the populace at large and is recognized in the Concordat between the Dominican Republic and the Holy See.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no unusual restrictions on travel within or outside the country. Many political exiles returned after an amnesty in 1978, but a legal ban on the return of certain members of the family of Rafael Trujillo, a former dictator, still exists.

The status and treatment of Haitians living in the Dominican Republic have been criticized by the press and private groups, both in the Dominican Republic and abroad. The Haitian community of approximately 500,000 is composed mainly of illegal immigrants seeking employment and better living conditions. This figure also includes approximately 800 individuals, mostly opponents of former Haitian President Duvalier, who have received "political refugee" status from the Dominican Government.

Following the fall of the Duvalier regime in February, the United Nations High Commissioner for Refugees, cooperating with the Dominican and Haitian Governments, arranged for the voluntary repatriation of several hundred of these political refugees to Haiti.

In addition, there were another 1,000 de facto (but unrecognized) political refugees. Illegal immigrants routinely are deported under Dominican immigration law, while those seeking political refuge are not repatriated if the

Government determines that they have a legitimate fear of persecution. There are restrictions against foreigners engaging in political activity directed against another country.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Dominican Republic is a functioning multiparty democracy in which governments are freely elected by the citizenry. Opposition groups of the left, right, and center operate openly and participated in the 1986 election campaign. The May elections, in which the ruling party was defeated, and the subsequent peaceful transfer of power in August, demonstrate the established right of the electorate to change its government freely. Elections are administered by the Central Electoral Board, an independent government body.

Nearly three-quarters of the registered electorate voted on May 16, selecting national, provincial and municipal office holders. The large voter turnout and active participation of the two principal parties and the pro-Cuban Dominican Liberation Party in the Dominican Congress underline the favorable climate for political pluralism.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Dominican Republic participates actively in international and regional human rights bodies and supports efforts to promote human rights in international forums. International human rights organizations have been allowed free access to the country.

In response to a complaint by the International Confederation of Free Trade Unions (ICFTU) concerning the infringement of union rights during the January Catarey sugar refinery strike, which resulted in the death of a union activist, the Government acknowledged that a policeman was involved. He later was dismissed from the police force and is facing court proceedings. Private organizations which freely report and comment on alleged human rights violations include the Dominican Human Rights Committee and the Dominican Union for the Defense of Human Rights. The major allegation of these organizations in 1986 was that the Government was forcing Haitian residents to participate in the cutting of sugar cane against their will. In addition, a new human rights group organized in July, the National Committee of Human and Labor Rights, is closely associated with the National Confederation of Dominican Workers, an ICFTU affiliate.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Sexual and racial discrimination are prohibited by law and women's political rights have been recognized in legislation since 1941. Forty-seven percent of registered voters are women, and women hold both elective and appointed offices in the Government. Women remain a minority in government offices, but President Balaguer designated women governors for 8 of the country's 29 provinces. Divorce is easily obtainable by either spouse; and women can hold property in their own names apart from their husbands. Nonetheless, women

traditionally have not shared equal social and economic status or opportunity with men.

There is subtle social discrimination against darker skinned Dominicans, although this has not prevented their success in a variety of fields, including elected political office. Dominicans, for historical reasons and because of sharp cultural differences, generally are prejudiced against Haitians. This prejudice carries over to a minority in the population who are Dominicans of Haitian descent. These prejudices, social tensions, and historical enmities sometimes result in violence against the Haitian community in the country.

CONDITIONS OF LABOR

The Dominican labor code prohibits employment of youths under 14 years of age, and restricts the nighttime employment of youths ages 14-18. The labor code also provides that employees under 18 work no more than 8 hours a day, and, in addition to other limits on youth employment, specifies that those 18 years and younger will not be employed in dangerous or unhealthy jobs. In practice, many of the restrictions in the labor code are ignored. Young people, including minors less than 14, engage in a wide variety of work which technically violates the labor regulations. For example, the labor code's provisions regulating vendors and shoeshine boys are not enforced.

The labor code establishes that all workers are entitled to 24 hours of rest after 6 days of work; in practice, a typical work week is Monday through Friday plus half a day on Saturday. Safety and health conditions at the workplace do not always meet acceptable standards. The existing social security system is inadequate, and legislation to expand and improve it has remained stalled in the Congress.

In 1985 the Government, recognizing the hardships entailed by the rising cost of living, took steps to raise the basic minimum monthly salary from 175 to 250 pesos (about US$63 to US$89 at the current exchange rate) for both public and private sector employees. Some smaller businesses are exempt from the new pay scale. At the same time, the minimum daily wage for agricultural workers was raised from 5 to 6 pesos. Action by the executive branch preserved this 250 peso minimum wage for public sector employees through 1986.

The Government and the State Sugar Board (CEA) did not contract seasonal sugarcane cutters from Haiti for the 1985-86 harvest. However, charges were leveled by the Catholic Church and some political parties, labor organizations, and human rights groups that the Government forced Haitians--generally illegally resident--to engage in cane cutting. In a written declaration dated February 23, the Dominican Episcopal Conference of the Roman Catholic Church declared that Haitians living in the Dominican Republic, including both legal and illegal residents, "are being taken against their will to cut cane." The Government denied the charge, while affirming that many Haitians, together with Dominicans, voluntarily were engaged in such activities.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: DOMINICAN REPUBLIC

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	98.2	170.6	70.0
LOANS.....	85.3	54.4	11.2
GRANTS.....	12.9	116.2	58.8
A.AID	64.4	125.5	67.1
LOANS.....	56.8	13.9	11.2
GRANTS.....	7.6	111.6	55.9
(SEC.SUPP.ASSIST.)...	34.0	95.0	40.0
B.FOOD FOR PEACE.....	31.3	42.4	0.0
LOANS.....	28.5	40.5	0.0
GRANTS.....	2.8	1.9	0.0
TITLE I-TOTAL.....	28.5	40.5	0.0
REPAY. IN $-LOANS.....	28.5	40.5	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	2.8	1.9	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	2.8	1.9	0.0
C.OTHER ECON. ASSIST...	2.5	2.7	2.9
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.5	2.7	2.9
PEACE CORPS.....	2.3	2.5	2.5
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.2	0.2	0.4
II.MIL. ASSIST.-TOTAL...	6.4	8.7	4.5
LOANS.....	2.5	3.0	0.0
GRANTS.....	3.9	5.7	4.5
A.MAP GRANTS.....	3.2	5.0	3.8
B.CREDIT FINANCING....	2.5	3.0	0.0
C.INTL MIL.ED.TRNG....	0.7	0.7	0.7
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	104.6	179.3	74.5
LOANS.....	87.8	57.4	11.2
GRANTS.....	16.8	121.9	63.3
OTHER US LOANS.....	0.0	0.5	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.5	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	119.2	193.3	43.4	1315.9
IBRD	3.8	5.8	35.8	337.9
IFC	0.0	0.0	7.6	33.7
IDA	0.0	0.0	0.0	22.0
IDB	113.7	187.0	0.0	888.8
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.3	0.5	0.0	25.4
OTHER-UN	1.4	0.0	0.0	7.1
EEC	0.0	0.0	0.0	0.0

ECUADOR

Ecuador is a constitutional republic. The President and members of the unicameral Congress are chosen in free elections. The Supreme Court, which is selected by Congress, presides over an independent judiciary. Elections in 1979 ended 7 years of military rule, and since then 2 democratically elected administrations have governed Ecuador. Seventeen registered political parties and a free and partisan press participate in a lively and contentious democratic political process.

In June, regular midterm elections were held to select new provincial representatives to Congress as well as many provincial and municipal council officials. A coalition of opposition parties dominates the 1986-1988 Congress, which took office in August.

The President controls the police through the Ministry of Government. In 1986 local human rights organizations and opposition members of Congress alleged several cases of police brutality. Government officials acknowledged isolated incidents but denied any systematic abuses.

The terrorist group Alfaro Vive Carajo (AVC), which has links to the Colombian M-19 guerrillas, initiated several bloody confrontations with police which resulted in deaths on both sides. In May the Montoneras Patria Libre, an offshoot of the AVC, kidnaped a government official. After negotiations the kidnapers surrendered, and the official was freed.

The labor movement is broad-based and active within Ecuador's essentially free enterprise economic system. The Government's announcement of financial reform measures in August in the face of sharply reduced export revenues prompted a coalition of labor unions to organize a 24-hour general strike in September that was only partially successful. Economic progress in the last 15 years, based on petroleum exports, has been concentrated in the industrial and commercial sectors. Extensive rural poverty persists, especially among highland Indians.

Despite terrorist violence, extremely poor prison conditions, and an inefficient and corruptible judicial system, Ecuador maintained generally good human rights standards.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no substantiated charges of politically motivated killings by government forces.

Armed clashes between police and the AVC resulted in deaths on both sides, including several key leaders of the AVC and the head of the police antiterrorist unit. In August the AVC murdered three policemen in order to free a hospitalized terrorist, who was later recaptured. After several police actions against the AVC, Ecuadorean human rights groups claimed that excessive police violence had resulted in deaths of terrorists. The Government denied these charges and published its versions of the confrontations.

ECUADOR

In February the death of a student in clashes with police led to the arrest of a policeman. A similar case occurred in June. At the end of 1986, both policemen were still in prison awaiting trial.

Human rights groups maintain that police too frequently apply the "ley de fuga" (the law of escaping prisoners), which allows them to fire upon fleeing prisoners. Escapees are generally not armed, and the groups argue that they would normally be willing to surrender if challenged.

Human rights activists periodically charged that provincial governments remain indifferent to the deaths of rural inhabitants killed in disputes over land tenure. In some cases local government officials were accused of complicity.

b. Disappearance

There were no substantiated cases of disappearances in 1986 attributable to the Government.

In May the Montoneras Patria Libre kidnaped a government-appointed member of the Constitutional Guarantees Tribunal. Police quickly discovered and surrounded the kidnapers' hideout. After negotiations they surrendered, and the official was released unharmed.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by law. Police are reported occasionally to beat suspects or to treat them harshly, usually during initial interrogations. This is not officially condoned by the Government. Human rights activists and congressional opponents claim abuses arise from lax supervision of the police, and hold the Government responsible.

Ecuadorean prisons are overcrowded and unhealthy. Guards use solitary confinement and beatings for disciplinary purposes, even though this is contrary to prison regulations. Prisoners often bribe guards to avoid punishment and to improve their living conditions.

Detainees under civil control who have been charged with terrorism or subversion have generally received good treatment and are allowed frequent family visits. However, the few detainees under military control are usually held incommunicado and there have been reports they are mistreated.

d. Arbitrary Arrest, Detention, or Exile

Preventive detention is illegal. The criminal code forbids isolated confinement for more than 24 hours and detention without charge for more than 48 hours. Since the outbreak of terrorist activity in 1985, AVC suspects have frequently been held beyond these limits.

Mayors and municipal council presidents are constitutionally empowered to order the release of detainees and do so liberally, irrespective of the severity of the charges.

The armed forces held an air force general in pre-trial detention during 1986 on charges of instigating a rebellion in March which resulted in the death of several soldiers. Both the Defense Minister and the service chiefs rejected a

congressional resolution of amnesty in the case, as well as a writ of habeus corpus authorized by the acting mayor of Quito: they asserted that the military court of justice is not obliged to recognize either. The opposition-dominated Congress issued a resolution accusing the President of unconstitutional action in supporting the military's position in the dispute. The Supreme Court has agreed to hear a suit by the general against the head of the military court.

There is no forced or compulsory labor. Forced exile is not practiced.

Local human rights activists accuse the Government of continuing widespread illegal detentions of suspected terrorists and their family members.

e. Denial of Fair Public Trial

There were no political prisoners in Ecuador in 1986.

The Congress elects the Supreme Court and has the power to impeach judges, to fix the budget of the judicial branch, and to ratify the Supreme Court's judicial review decisions. From time to time the Court investigates allegations of judicial inefficiencies or improprieties and may remove judges. Judicial corruption is widespread in part because judges are inexperienced and poorly paid.

Defendants have the right to counsel as soon as arrested, to call witnesses on their behalf, to cross-examine all witnesses, to refrain from testifying against themselves, and to appeal sentences to intermediate or higher courts. Although a public defender system is mandated in the Constitution, this provision has not been implemented.

The judicial system is inefficient. Detainees may wait 2 years or longer for trial, placing additional burdens on the overcrowded prison system. Time spent awaiting trial is counted toward completion of the final sentence, but some long-term detainees have been found innocent. Those unable to afford legal counsel face the longest periods of pretrial detention.

As in most civil law systems, there is no trial by jury. Judges play a central role in investigations as well as in deciding guilt or innocence. The Attorney General, the Solicitor General, and provincial prosecutors carry out investigations and prosecutions. These officials also defend state interests in criminal and civil cases, receive complaints against judges, conduct fiscal inspections of lower courts, and provide legal opinions in all court cases.

The autonomous Constitutional Guarantees Tribunal, made up of representatives of the Presidency, the Congress, the judiciary, municipalities, business and labor, is empowered by the Constitution to investigate charges of constitutional or human rights violations. The Tribunal has little real power to enforce its rulings concerning laws passed by Congress or decrees issued by the President. It has focused public attention on human rights issues by calling hearings, listening to complaints by human rights activists, and requiring government officials, including the Minister of Government, to answer questions.

Military courts may try only those cases involving infractions of military regulations or acts against military installations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government generally respects the sanctity of the home and privacy of correspondence. Police must have a warrant to enter a dwelling except in the case of hot pursuit. This requirement is generally observed in practice, but in their response to the terrorist threat, government security forces have apparently been involved in a number of illegal and surreptitious entries.

In August, newspapers published alleged transcripts of international telephone conversations between various political opposition figures, including members of Congress, and a Guayaquil politician who had fled to Panama rather than face charges of embezzlement and of defaming the armed forces. Government opponents accused the administration of illegally taping these conversations and releasing the transcripts for political purposes. The second charge against the politician was dropped by a civil judge after a congressional resolution of amnesty. The same politician has accused the Government of being responsible for his brief imprisonment by Panamanian authorities on drug charges.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and expression. This right is vigorously exercised in the Ecuadorean media, which are essentially privately owned and free from direct government control. Twelve daily newspapers, dozens of weeklies, many magazines, 10 television stations, and more than 450 radio stations operate in Ecuador and present a diversity of political opinion.

The Government has been accused by opposition politicians and local human rights activists of using a variety of indirect pressures to soften media criticism of its policies. The Inter-American Press Association has supported some journalists who complained of official harassment after they criticized the Government. Despite an adverse court ruling, the Government continued to find a technical basis for preventing the opening of a new television station owned by political adversaries who had obtained a license in the final days of the previous administration.

Ecuadorean law, like that of other Latin American countries, prohibits defaming the President. In April 3 opposition congressional candidates were jailed for 4 days for writing a letter to local newspapers calling the President a liar.

There is no political censorship of foreign or domestic books, films, or works of art. There is no government interference with academic inquiry.

b. Freedom of Peaceful Assembly and Association

The Constitution guarantees the right to free assembly and association and this is observed in practice. Public rallies require prior approval from local governments, but this is generally granted. The one notable exception has been the consistent refusal of the Government to grant permission for

rallies or marches during national strikes. Both in January and September, marchers were stopped by police during 24-hour national strikes. Violence and detentions were minimal. The Government has argued that the labor code does not permit national strikes because they are not related to a collective bargaining action.

Labor organizations represent about 15 percent of the country's economically active population. The labor movement, organized into four major confederations and many independent unions, reflects widely different political orientations and has links to international labor organizations.

All private sector employees and government blue collar workers enjoy the right to organize unions, bargain collectively, and strike. Government white collar workers may not strike and their labor organizations are not officially recognized by the Government as having bargaining rights.

The 50-year-old labor code provides for a considerable government role in the resolution of labor-management disputes, especially through Conciliation Tribunals of the Ministry of Labor. Trade union leaders are elected by their membership. Membership dues of recognized unions are collected by the Government and given directly to the union leadership. The Constitution provides for formal labor participation in government through representation on the executive boards of several national institutions. Labor leadership meets regularly with the Minister of Labor and other senior government officials to discuss current problems.

c. Freedom of Religion

Although overwhelmingly Roman Catholic, Ecuador has no state religion. Citizens and residents are free to practice the religion of their choice. Clergymen, by local law, may not become high-level elected or appointed government officials.

Foreign missionaries of many faiths have operated freely in Ecuador for many years. Radio HCJB, the "Voice of the Andes," has functioned for more than 50 years as an evangelical fundamentalist Christian shortwave radio service supported largely by contributions from the United States. It broadcasts domestically both on AM and FM.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

All Ecuadoreans may travel freely at home or abroad.

Individuals from other Latin American countries have readily found asylum in Ecuador. No cases of involuntary repatriation or persons fleeing political persecution were reported in 1986.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Ecuador is a multiparty democracy with 17 registered parties representing the full political spectrum. Thirteen of these, including two avowedly Marxist parties, are represented in the unicameral Congress. Ecuadoreans 18 years of age and older have the right to vote. Voting is mandatory for literates and voluntary for illiterates. Political participation and suffrage are open to all citizens without discrimination on

the basis of sex, ethnic group, or socioeconomic status. All citizens have the right to form and join political parties.

Only certified political parties may present candidates for election. For certification an aspiring party must present a petition bearing a minimum number of voter signatures. In June voters rejected a government-sponsored proposal to change the Constitution so that independents might run for office.

Since the return to democracy in 1979, Ecuadorean politics have been characterized by strident partisanship and shifting alliances. Strong political rivalries among individuals and ideological and regional differences account for much of the rough and tumble nature of the political process.

The inauguration of the current President in August 1984 marked the first peaceful transfer of power from one democratically elected administration to another in 24 years. Despite pressure from Congressional allies for postponement, the President proceeded with midterm elections mandated by law in June. An opposition coalition won and took control of the new Congress in August.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights

The Government has a constructive approach to international human rights issues. An Ecuadorean serves on the Human Rights Committee of the United Nations Covenant on Civil and Political Rights and on the UN Committee on the Elimination of All Forms of Racial Discrimination. Domestic human rights bodies are free to investigate human rights practices within the country. Congress formed a Commission on Human Rights in November. Representatives of the International Labor Organization's regional office in Lima travel regularly to Ecuador in order to consult with government officials on labor policies and programs. The Latin American Human Rights Association is headquartered in Quito, as is the local office of Amnesty International. Active local human rights organizations include the Ecumenical Commission on Human Rights, with ties to the Catholic Church, and the National Human Rights Commission. During 1986 individual human rights activists occasionally met with Ministry of Government officials to discuss human rights concerns. The Foreign Ministry has an office responsible for providing detailed replies to queries from outside Ecuador concerning human rights matters.

Amnesty International in its 1986 Report on Ecuador expressed concern with what it charged were unacknowledged detention of political prisoners in secret detention centers, disappearances, torture, and death in custody as a consequence of torture or ill-treatment. The Ecuadorean Minister of Government, appearing in November before the congressional Human Rights Commission, said Amnesty International had been "deceived and misled" and that its accusations of systematic disrespect for human rights on the part of the Ecuadorean Government were irresponsible. The Minister denied that the Government uses torture or that clandestine interrogation centers exist in Ecuador. He also said that while the Government will improve prison conditions and will reform the penal code and judicial system, it will also continue to respond to terrorist actions with force.

ECUADOR

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution prohibits any discrimination based on race, color, sex, language, religion, political or other affiliation, social origin, or economic position.

The urban poor are predominantly mixed race or black. The Indian population is primarily rural and poor. There is no overt or legally sanctioned discrimination practiced against these groups.

The Constitution establishes complete political equality for men and women. However, due to the female's traditional role in Ecuador there are few highly-placed women in the political structure. Three of the 71 congressional deputies elected in 1984 were women. Only one was elected in the 1986 midterm election. Several women occupy prominent positions in the present Government, but none is at the ministerial level. Women still suffer some discrimination under civil law, despite considerable progress in recent years. In divorce matters and in the right of inheritance, the male continues to enjoy preferential status as head of the household.

CONDITIONS OF LABOR

The labor code prescribes a standard work week of 40 hours with paid annual vacations. Ecuador enforces a minimum wage law. Employment of minors under the age of 18 requires parental permission. This regulation is generally observed in larger enterprises; however, a large percentage of rural children are part of the active work force.

The labor code mandates safe and healthy working conditions and holds employers responsible for maintaining such conditions. The autonomous Social Security Institute monitors complaints concerning working conditions and has legal power to enforce compliance.

U.S.OVERSEAS LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ECUADOR

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	28.9	51.9	53.9
LOANS.....	14.0	21.3	10.6
GRANTS.....	14.9	30.6	43.3
A.AID	22.6	33.2	49.8
LOANS.....	14.0	7.0	10.6
GRANTS.....	8.6	26.2	39.2
(SEC.SUPP.ASSIST.)...	0.0	4.4	20.2
B.FOOD FOR PEACE.....	2.7	14.9	0.0
LOANS.....	0.0	14.3	0.0
GRANTS.....	2.7	0.6	0.0
TITLE I-TOTAL.....	0.0	14.3	0.0
REPAY. IN $-LOANS.....	0.0	14.3	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	2.7	0.6	0.0
E.RELIEF.EC.DEV & WFP.	1.5	0.0	0.0
VOL.RELIEF AGENCY.....	1.2	0.6	0.0
C.OTHER ECON. ASSIST...	3.6	3.8	4.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	3.6	3.8	4.1
PEACE CORPS.....	3.4	3.4	2.8
NARCOTICS.....	0.1	0.4	1.3
OTHER.....	0.1	0.0	0.0
II.MIL. ASSIST.-TOTAL...	6.7	6.7	4.5
LOANS.....	6.0	4.0	3.8
GRANTS.....	0.7	2.7	0.7
A.MAP GRANTS.....	0.0	2.0	0.0
B.CREDIT FINANCING....	6.0	4.0	3.8
C.INTL MIL.ED.TRNG....	0.7	0.7	0.7
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	35.6	58.6	58.4
LOANS.....	20.0	25.3	14.4
GRANTS.....	15.6	33.3	44.0
OTHER US LOANS.....	1.5	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	1.5	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	117.8	287.8	253.5	2547.1
ISRD	0.0	8.0	253.5	964.1
IFC	0.1	0.0	0.0	48.2
IDA	0.0	0.0	0.0	36.5
IDB	117.7	279.0	0.0	1441.4
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.0	0.8	0.0	46.5
OTHER-UN	0.0	0.0	0.0	10.4
EEC	0.0	0.0	0.0	0.0

EL SALVADOR

El Salvador is a recently established and developing democracy. The Constitution of 1983 was written by an elected assembly; the President, Legislative Assembly, and mayors were chosen in elections which were pronounced open and fair by observers from some 40 countries.

The economy is mixed. Banking and marketing of major export crops are nationalized, and the price of food grains is subsidized. The agrarian reform program begun in 1980 continues. The national currency was devalued, and an economic stabilization program was instituted in January 1986 in response to economic problems caused in great part by guerrilla war and sabotage. These problems were exacerbated by a major earthquake on October 10. Mainly affecting the capital area, it killed over 1,000 people, left 300,000 homeless, and heavily damaged or destroyed many hospitals, schools, and government and commercial buildings.

For 7 years, El Salvador has fought a Marxist insurgency supported by the Soviet Union and Cuba through Nicaragua. The Farabundo Marti National Liberation Front (FMLN), whose numbers have been halved to under 6,000 combatants, has increasingly resorted to indiscriminate use of land mines, machine-gunning and burning of vehicles on the nation's roads, and generalized economic sabotage. The conflict is a major cause of the displacement of approximately 400,000 Salvadorans from their homes. As the Government has been able to restore its authority in contested areas, some of the displaced are returning home.

Despite the internal conflict and the resulting state of emergency which nominally restricts a number of civil liberties, the rights of free speech, press, association, and assembly are respected by the Government. A military court system separate from civil courts handles cases related to the insurgency. Due to a large backlog of cases, prolonged incarceration before trial is common to both civil and military systems.

The conduct of the military and security forces has improved steadily. The Government does not condone abuses and is actively seeking to inculcate respect for human rights at all levels of the military. The Government's Human Rights Commission has expanded its role in improving respect for human rights. Credible accusations of abuses and of indiscriminate bombing were sharply reduced in 1986. Investigation of guerrilla claims of indiscriminate bombings proved them false. The number of politically motivated killings continued to decline, and the bulk of such killings appeared to be committed by FMLN guerrillas.

The infamous death squads, which used to advertise their murders, made no claims of any killings during 1986, and there was no indication they are still operating. Some unexplained deaths may still be the work of extreme rightist elements, but there is no evidence that the Government is linked to or condones these killings.

To overcome serious weaknesses in the judicial system, the Government has launched a comprehensive reform to revamp court procedures, update laws, improve the investigative capacity and training of judges, and protect witnesses and court personnel from intimidation. The arrests in 1986 of police and military

personnel for crimes and human rights abuses are steps toward equality before the law for all Salvadoran citizens.

A third round of dialog to end the war was proposed by President Duarte and scheduled for September, but the guerrillas failed to attend after unilaterally imposing conditions the Government felt were unacceptable. The Government continues to seek productive discussions with the FMLN. In his October 1986 report, the United Nations Special Rapporteur for Human Rights stated that dialog "should not be converted into a means of gaining tactical political advantages, but should be considered as a means of obtaining peace, or, at a minimum, humanization of the conflict."

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Most apparent political killings in 1986 were attributable to guerrilla insurgents. The number of deaths reported in the Salvadoran press which appeared to be politically motivated averaged 21 per month through October; this compares with a monthly average of 28 in 1985, 64 in 1984, and 140 in 1983.

The 206 deaths ascribed to political motives during the first 10 months of 1986, as taken from the local press and other sources, may be classified as follows: perpetrated by the guerrillas, 57; possibly by the guerrillas, 70; possibly by the extreme right, 7; by unknown assailants, 37. An additional 6 were killed by civil defense members, and 12 others died as a result of abuse of authority. Seventeen civilians killed in military action by both sides are included in the 1986 toll. Of the killings attributed to the FMLN, most victims were rural residents who refused to collaborate with the guerrillas or were suspected of being government informers. Other victims were drivers or passengers of vehicles machine-gunned by the guerrillas during one of the seven "traffic bans" declared by the FMLN in the course of the year.

The methodology for collection and classification of information on political murders necessarily is inexact, and these numbers can only be interpreted as indicative of trends. Common criminal deaths, for example, are easily disguised as political killings by perpetrators wishing to confound investigators; political motivation in other murders may go undetected, causing them to be classified as common crimes.

The primary cause of death and maiming outside combat is the intensified use of pressure-detonated land mines and booby traps by the guerrillas. Planted around farm roads and paths, guerrilla-downed electric poles, under railroad tracks, near water sources, in farmlands, and on coffee plantations to impede the harvest, these "revolutionary mines" (as the guerrillas call them on their clandestine radio stations) killed some 31 civilians in 1984, 55 in 1985, and 53 in the first 7 months of 1986. From January through July of 1986, 172 civilians, many of them children, lost limbs to guerrilla mines. Hundreds more were seriously injured. The Catholic Archbishop of El Salvador has expressed grave concern over the number of civilians now being killed or wounded by mine warfare.

EL SALVADOR

The Government continued to reduce abuses of authority by the military and police forces. Human rights form part of police recruit training and officers' classes; the governmental Human Rights Commission (CDH), the International Committee of the Red Cross (ICRC), and Catholic clergy give lectures and courses on human rights to the police, military, and civil defense personnel; the entire National Police force attended a 2-day intensive training course on human rights in late 1986. The National Guard and Treasury Police are scheduled to take the same course in early 1987. The Government's Normal Operating Procedures (PON) require humane treatment of prisoners by the police and the military; these ground rules are a fundamental part of training and are enforced: 126 members of the armed and security forces were expelled from service and handed over to the civilian courts between September 1985 and June 1986 for violations of laws and regulations.

Occasional noncombat killings attributed to members of the armed or security services are a continuing concern. A civil defense commander and three of his men were arrested for the January murders of three brothers in the capital, San Salvador. In the same month, the Arce Battalion was accused of executing the former mayor of Nueva Esparta; the unit reported that he rode into a predawn ambush. Common crime is a problem within the military, and several officers are fugitives with warrants against them for kidnaping.

A number of anonymous death threats were publicized. The Archdiocese of San Salvador received a telephoned threat against several of its employees in June, and a Lutheran minister received similar threats in May, following public accusations by guerrilla defectors that churchworkers were diverting humanitarian aid to the guerrillas. The Government denounced these reported threats. At midyear, students and faculty members of the National University of El Salvador reported anonymous threats; the rector attributed the reports to infighting among leftist groups on campus. No one claimed responsibility, and no one attributed the threats to a specific group. Leaders of the Popular Democratic Unity (UPD) labor group reported death threats following the announcement of their withdrawal from the FMLN labor front, the National Union of Salvadoran Workers (UNTS).

Death squads which formerly publicized their murders did not publish threats or claim responsibility for any killing during 1986, and there is no indication they are still operating. Tutela Legal, the Catholic Church's legal aid and human rights office, attributed 42 killings to death squads in 1986, as compared with 136 in 1985. Tutela Legal frequently classifies as "death squad killings" murders that other observers view as criminal in nature, rather than political, and occasionally gives no reason for attributing a murder to death squads.

Congressional hearings in May addressed allegations that the Salvadoran air force engages in "indiscriminate bombing." These allegations proved to be unfounded. The charges themselves appear to be part of the FMLN's strategy to manipulate human rights issues and organizations for tactical military and political purposes. In one case, the Catholic Archbishop reported receiving a letter from the village of San Jose Las Flores, Chalatenango Department, claiming that a civilian was killed by aerial bombing on October 10. An onsite investigation showed that the village had not been bombed. Elsewhere, on at least two occasions, the air force acknowledged accidently wounding civilians in an aerial attack.

The air force has refrained from attacking guerrilla concentrations and installations due to the proximity of civilians.

b. Disappearance

According to press reports, 145 civilians disappeared between January and October 1986, including nonpolitical disappearances such as lost or runaway children aged 10 or over. There have been repeated instances of kidnaping of children, apparently for sale to adoptive parents abroad. During the same period, the press reported 98 persons abducted by the guerrillas and 103 abducted by unknown assailants. The assailants were frequently described as "heavily armed men in civilian clothing;" on other occasions, especially in the countryside, the perpetrators were believed to be guerrillas.

Many persons reported missing were found to have been legally arrested and duly entered in a security force's register of detained persons. Government policy forbids unacknowledged detention by security or armed services, and it seldom occurs. In one case, however, a guerrilla defector was not properly registered. In this instance, Nelson Guerra, a member of the People's Revolutionary Army (ERP), was arrested by the Second Brigade in Santa Ana in January and defected to the Government. His detention and subsequent defection were not acknowledged until May, when he appeared on television. Some persons who desert their families, emigrate, or join guerrilla ranks, are also reported as missing. There have been occasional credible reports of persons taken away by men thought to be members of the army or security forces, although positive proof has not been available.

In March and April, the National Police arrested three suspects in a major kidnaping-for-ransom ring and issued arrest orders for six others. Accused members of the ring had previously been identified with right-wing death squads, and some of the accused were implicated in other human rights cases now before the courts. Other purely criminal kidnapings for ransom received little public notice because the families and the victims were directed by the kidnapers not to involve the police.

The FMLN engages in kidnaping for a variety of motives: for ransom; as a form of recruitment of new combatants, including children as young as 10 years of age; to obtain workers to grow and cook food, obtain supplies, transport smuggled war material, and perform other tasks. Col. Omar Napoleon Avalos, the Director of Civil Aviation, was kidnaped by the FMLN in October 1985 and is still being held. The ICRC has been denied regular access to Colonel Avalos. The guerrillas have at different times demanded the release of varying numbers of detained guerrillas and collaborators held by the Government in return for his release.

As part of the October 1985 agreement freeing President Duarte's daughter and 23 mayors who had been kidnaped by the FMLN, the guerrillas agreed not to kidnap relatives of government and military officials in return for the government's pledge not to detain family members of guerrillas. In February the FMLN repudiated the agreement, citing government "kidnaping" of several people; some of those indentified had been arrested and charged with membership in the FMLN, as was the case of defector Nelson Guerra. The others were never reported missing to any human rights

organization inside the country. The FMLN declared itself ready to resume kidnaping noncombatants for political purposes, but has not done so to date.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

In accordance with arrest regulations, the Salvadoran security forces register detainees and have them examined by a doctor or nurse upon entry into police facilities. They are required promptly to notify the family of the detainee, Tutela Legal, the CDH, and the ICRC of the arrest. The notification procedures, together with the official prohibition on mistreatment of prisoners, have reduced the claims of torture by government forces. Detainees suspected of subversive or terrorist activity are permitted private interviews by the CDH, ICRC, and Tutela Legal after a maximum of 8 days in custody. Persons suspected of common crimes must be freed or turned over to the courts within 3 days.

While the number and severity of reported cases of torture have declined, allegations of abuse by the arresting forces continue. Most allegations involve abuses that leave no marks and so are extremely difficult to prove or disprove: deprivation of food and sleep, threats against the detainee or his family, prolonged interrogation while blindfolded, being forced to stand for long periods of time, forced exercise, and blows to the ears. Some prisoners claim to have been forced to sign confessions without being permitted to read them. Isolated instances of severe beatings, rape, choking, electric shock, and near-suffocation with a plastic bag over the head were reported. When a complaint of mistreatment appears valid, the CDH reports the incident to the commander of the unit responsible and to the Ministry of Defense. Physical mistreatment is not systematically practiced nor condoned by government authorities. The ICRC reports claims of abuse to the unit commander and the Office of the President.

There were no known complaints of torture occurring in the penitentiaries in 1986. Punishment cells are reportedly rarely used. The food budget is inadequate, some institutions have insufficient water supplies, and some are severely overcrowded. Prisoners receive family and conjugal visits and have access to primary education and religious services. Some opportunities for gainful employment are available. Inmates charged with terrorist or subversive activities have their own internal organization, give political classes, place political advertisements in the local papers, and hold demonstrations inside the prisons.

The FMLN claims to respect the physical and psychological integrity of its captives. However, there are eyewitness reports of soldiers on leave being pulled off buses and executed by guerrillas, and of persons kidnaped by guerrillas who have never reappeared. There have also been credible reports that guerrillas have tortured suspected government informers before killing them.

The Government reported that 598 guerrilla combatants and civilian supporters voluntarily turned themselves in between January 1 and October 27. Those who did so were interrogated, and most were turned over to their families or the ICRC; some suspected of surrendering in order to continue their insurgent activities in the cities were placed under the jurisdiction of the courts and sent to prison. Captured guerrillas were

likewise imprisoned. Wounded guerrillas were cared for, and some were later released. Seven wounded guerrilla combatants and two paramedics attending them were discovered in an underground shelter in northern Chalatenango Department in March. The guerrillas were immediately turned over to the ICRC and, after hospital treatment, were permitted to leave the country. The paramedics were released to their families.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides for the suspension of some civil guarantees in times of emergency. State of emergency legislation has been renewed monthly by the Legislative Assembly. Special legislation (Legislative Decree 50) establishes a system of separate judicial handling of crimes such as terrorism, sabotage, subversion, and participation in organized groups attempting to overthrow the Government. Holding political views opposed to the Government is not a basis for arrest when violent action is not advocated.

Under the state of emergency, the security forces may make arrests without a warrant and upon the denunciation of a single accuser, who can be anonymous. Categoric judgments of which arrests are justified are not possible; persons often are released or have charges against them dismissed as a result of ineffective investigation or a desire to reduce the backlog of cases in an overcrowded court system.

Under Decree 50, the security forces may hold an arrested person for up to 15 days for investigation. The person must either be released or turned over to a military investigative judge, who in turn must decide within 72 hours whether to continue detention. The judge must inform the person of the charges against him within 15 days of receiving the case. Once so informed, the person has the right to legal counsel. The investigative judge must then decide within 60 days of receiving the case whether it has merit; if his decision is affirmative, he sends the case to the military First Instance (trial) judge. The military judge has 15 days to decide whether to confirm or revoke the person's detention. Once the judge raises the case to trial, he must hand down a decision within 30 days. That decision is reviewed by a military court. An appeal of the legality of the detention at any point during this process freezes the timetable until the Supreme Court decides the appeal. The system is cumbersome, but it mandates more rapid processing of cases than the legislation in effect prior to February 1984.

As the insurgency has lost ground militarily and moved to a strategy of political organizing and infiltration, the number of prisoners held under Decree 50 has been increasing rapidly. The number of female prisoners in Ilopango prison under Decree 50 increased from 44 to 76 in 1986, and male prisoners increased from 462 to 971. Because of the increasing number of arrests under Decree 50, observance of the time limits at the investigative level slipped further in 1986. A single, overburdened first instance judge had accumulated a backlog of approximately 1,000 Decree 50 cases before two new first instance judges were appointed in August 1986. They had just started work when the October 10 earthquake badly damaged the judicial facilities and brought the whole system to a standstill. It resumed functioning in November.

In cases of common crime, the police must free a suspect or turn him over to the courts within 72 hours of arrest. The judge theoretically is constrained by legal time limits on his investigation, but in practice these limitations are not always followed. The backlog of cases is one major reason for delay. The processing of common criminal cases in the capital was also halted in the wake of the earthquake.

There are no provisions in Salvadoran law for exile or for the revocation of citizenship.

The Government prohibits forced labor. The guerrillas, however, have kidnaped peasants and forced them to cook, do laundry, and perform other tasks, as well as to become combatants.

Clear evidence emerged in 1986 of use by the FMLN of children under the age of 15 in combat. Following one military operation, the Government rescued children, one of whom was 14 years old and had been fighting with the FMLN for 4 years. Other information emerged about the existence of units composed of children receiving military training for integration into combat units. Still other credible reports were received of children being kidnaped for forced recruitment into the FMLN and of their use as couriers and spotters, practices clearly contrary to Geneva Convention prohibitions against the recruiting of children into armed groups or their participation in hostilities.

e. Denial of Fair Public Trial

Decree 50 offenses are tried by the judge in his office, without spectators. Common crimes in El Salvador are tried publicly with a five-person jury. Low response to calls for jury duty, absences of attorneys, and the general inefficiency of the judicial system often cause long delays; people are usually incarcerated for 6 to 18 months between the placing of charges and coming to trial. Even longer waits are common. About 9 percent of the people in prison are serving sentences: the rest are awaiting adjudication of their cases. Bail is available for some offenses but is little used. When cases do come to trial, the charges are frequently dismissed, often due to the poor investigative capacity of the police and judges. Over the past 10 years, the overall conviction rate has never exceeded 20 percent.

Aside from the lack of resources to carry out their duties, both judges and juries are subject to bribery and intimidation. A Judicial Protection Unit (JPU) to provide security for witnesses, juries, and court personnel in sensitive cases was activated briefly for the 1984 trial of the murderers of four U.S. churchwomen, but the prison guards who formed it returned to their regular duties after the trial. The concept is being revised, and there are plans to recreate the unit as a permanent organization.

The Government has embarked upon a judicial reform program with four major components: reestablishment of the JPU; the judicial Revisory Commission; the Commission for Investigations; and judicial training and administration. The Revisory Commission is reviewing the penal code in order to recommend changes to bring it into line with the Constitution. It is also working over the longer term to overhaul and update the entire system of laws and procedures in order to produce a modern and efficient judicial system. The Revisory Commission

is drafting a package of revisions to the law which it plans to submit to the legislature early in 1987. The Commission for Investigations is operational and includes a special unit which has received forensic investigative training and is investigating a number of highly publicized cases. Among these is the Armenia well case, into which the local civil defense unit is alleged to have thrown the bodies of its victims between 1980 and 1982. The unit excavated the well in May, found the remains of four persons, and made arrests in the case in September.

The judicial administration and training program has already sent judges and prosecutors to other countries in the region for conferences and 2- to 4-week courses in criminal jurisprudence. The program, which includes construction of physical plant as well as the training of judges, was seriously disrupted by the October 10 earthquake.

The Salvadoran judiciary is independent of the rest of the government. Supreme Court justices and the Attorney General are chosen by the Legislative Assembly after nomination by political parties. The judicial branch determines its own budget, which must be approved by the legislature. Judicial authority historically has not extended to the military. Although low ranking military and police are discharged and turned over to the civilian courts for trial of criminal offenses, in practice the officers of the armed and security forces are treated differently from other citizens before the law. Judges are frequently reluctant to bring charges against them, and colleagues often cannot be relied upon to cooperate in the prosecution of crimes imputed to a fellow officer. Also, real or perceived intimidation of judges and juries by members of the armed forces occasionally will overcome the prosecutorial efforts of the Attorney General's office.

No military officer has been convicted of human rights violations in recent years. Nevertheless, in the course of the investigation of the kidnaping ring early in 1986, the police arrested an active duty army major and a former lieutenant of the National Guard, and issued arrest warrants for six other men including an army lieutenant colonel and a lieutenant, who fled the country. The case is before a military judge. In December 1986, the courts reopened the case against an army captain suspected of participating in the 1981 murders of the president of the Salvadoran Land Reform Institute and two American land reform advisers.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government does not arbitrarily interfere in the personal lives of citizens except in matters it considers related to the armed conflict. Both the Government and the guerrillas use networks of informers. The Government runs antiterrorist advertisements urging the people to report guerrilla activity, and the police rely on informers in criminal cases and investigations of subversion. The security forces use forced entry to carry out arrests and investigations and need no warrant to do so. The constitutional provision protecting the inviolability of correspondence is suspended under the state of emergency. Postal officials have the legal authority to inspect correspondence, but there is no government policy to do so, and it is not believed to be a frequent occurrence.

EL SALVADOR

Government troops have removed civilians when considered necessary for their own security or because of the requirements of a military operation. These civilians were reunited with their families in nonconflictive areas; the others were turned over to the ICRC or the Catholic Church or were sent to displaced persons camps. During a major military operation which started in January, the military removed some 500 civilians from the guerrilla stronghold on Guazapa Volcano. All feasible measures were taken to ensure the shelter, hygiene, health care, safety, and nutrition of the displaced population. Similar removals of smaller numbers of civilians occurred elsewhere in the country during 1986. In August, for example, 81 civilians moved onto land not belonging to them in San Vicente Department. They were removed by the army and later accepted in a church-run displaced persons camp.

The FMLN and others claimed that these displacements constituted human rights violations. The Government maintained that they were necessary because of both security and human rights considerations. The Government maintains that such displacements have reduced civilian casualties, are a legitimate means of protecting civilians, and are in conformity with international law and the Geneva Conventions.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The power to restrict freedom of speech and the press under state of emergency decrees was ended in May and has not been reinstated. Prior to that, there was at least one case in which books being shipped into the country were stopped in customs. Self-censorship growing out of fear of violent reprisal from political extremists is the primary constraint on free expression in El Salvador.

The leading daily newspapers in the capital are conservative, and they vigorously criticize the Government. Paid advertising by government agencies in one of the papers was reduced. The views of the radical left continue to be expressed in a variety of journals, periodicals, newsletters, bulletins, and paid advertisements in the daily press.

Radio news covers a wider variety of stories than the printed media and is more broadly diffused in Salvadoran society than news from the papers or television. Insurgent leaders are interviewed on local radio programs and commercial stations frequently repeat reports broadcast by clandestine guerrilla radio stations.

The Government owns no newspapers, although the recent change in ownership of one daily is widely attributed to purchase by interests of the governing Christian Democratic Party. The Government owns one radio station and two television stations. There are four privately owned television stations. The Salvadoran Army operates one radio station.

A 7-year-old decree forbidding publication of anonymous communiques remains in effect and is largely observed by the media. When it has been violated, the Government has taken no action against the reporting media.

Academic freedom is guaranteed by the Constitution and is broadly interpreted by university authorities to mean that local police have no authority on campus. In 1986 there were

isolated instances of armed forces entry on university grounds, but most appeared to be the inadvertent result of hot pursuit of criminals. Since the reopening of the main campus of the National University in 1984, the university has sponsored major antigovernment political conferences and many protest marches without interference. Students are not arrested because of academic or free speech issues; a small number, however, were detained on unrelated charges of subversion.

b. Freedom of Peaceful Assembly and Association

Any association not formed for criminal purposes is legal in El Salvador. Political, professional, religious, labor, and social organizations operate openly and freely. Various groups criticize the Government from both the left and the right, holding marches and demonstrations without interference from the Government. The Government was severely criticized from abroad for the May arrests of 10 members of the nongovernmental Human Rights Commission (CDHES) and the Committee of Mothers (Co-Madres). The Government claimed they were arrested on suspicion of membership in guerrilla groups. Within days of their arrest, 3 of the 10 confessed to membership in the National Resistance (RN), the political arm of the Armed Forces of National Resistance (FARN), one of the 5 constituent groups of the FMLN. They publicly detailed the manner in which the CDHES and the Co-Madres were infiltrated and manipulated by the FMLN. The other arrested members of the two groups were charged with membership in various guerrilla organizations and were incarcerated. One of them, Maria Teresa Tula de Canales, was released by President Duarte in September as a goodwill gesture.

The Constitution guarantees the right of private sector and autonomous public institution employees to organize unions, bargain collectively, and strike. Government employees of nonautonomous public institutions are prohibited by the Constitution from forming unions and striking, but most of these employees are represented by associations which, in fact, act as unions by bargaining collectively and calling work stoppages. Salvadoran unions draw up their own statutes and elect their own officers. The Government has not acted upon a proposal which would extend collective bargaining rights to peasant organizations.

The labor code requires that labor disputes go through stages of direct bargaining, conciliation, and arbitration before a strike or lockout can be declared. The law states that strikes may be called only to demand the implementation or review of the collective bargaining agreement, or in the defense of the common interests of the workers. Fifty-one percent of the workers must agree before a strike is called. Unions often ignore these requirements, and many strikes are declared illegal. The Labor Ministry oversees the implementation of collective bargaining agreements and serves as conciliator in labor disputes in the private sector and in autonomous institutions. The Ministry reported that between June 1985 and May 1986, it participated directly in 553 labor-management conflicts, including 54 strikes.

Unions may join national and international federations. Some unions are affiliated with the World Federation of Labor; others are affiliated with the Communist-dominated World Federation of Trade Unions.

Labor unions participated in numerous marches and demonstrations, both for and against the Government throughout 1986, often in cooperation with other nongovernmental organizations.

c. Freedom of Religion

Freedom of religion is guaranteed by the Constitution and is respected in practice. Although the country is predominantly Roman Catholic, an estimated 20 percent of the population subscribe to other faiths, mainly Protestant. Foreign and Salvadoran missionaries operate freely and without harassment. Church members and employees, both Catholic and Protestant, have on occasion been arrested, but these arrests were unrelated to the individual's religious beliefs or activities.

The Catholic Church continues to be one of the most influential institutions in the country. The Archbishop's Sunday homily is broadcast live from the Metropolitan Cathedral on one of the Government's television stations and on radio. Church publications disseminate the Church's position on human rights and the war. Church statements have become increasingly critical of the leftist insurgency, but the Church has not hesitated to criticize the Government.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Although the state of emergency decree formally suspends the constitutional right to free movement, this suspension is not strictly enforced. Local military commanders have denied entry for short periods of time to areas where military operations are under way, and require that foreign visitors receive permission from the Armed Forces Chief of Staff's office before entering combat zones. The Government has deported some foreigners who failed or refused to seek permission before entering areas of frequent military clashes.

An estimated 400,000 people (down from a previous level of 500,000) are displaced within El Salvador by the conflict, primarily from the northern and eastern zones. As the level of violence falls, an increasing number of refugees are returning from abroad. More than 4,000 have returned from other Central American countries during the past 4 years, according to the U.N. High Commissioner for Refugees. Even larger numbers of internally displaced persons appear to be moving back to their homes with government assistance. Eastern departmental commanders reported that former residents who had gone to live in the capital returned to their homes in the countryside by the hundreds after the October 10 earthquake destroyed squatter communities in San Salvador. The Intergovernmental Committee for Migration (ICM) reports no government harassment of individuals returning to El Salvador from abroad, either from the United States or elsewhere. The Government imposes no control on emigration and cooperates with international organizations that arrange Salvadorans' emigration to other countries.

Land transportation has been limited by traffic stoppages declared by the guerrillas and enforced with roadblocks, land mines, and attacks on vehicles moving during the stoppages. The guerrillas declared seven such stoppages in the course of the year. The last occurred from December 8 to 14, when guerrillas machine-gunned a passenger bus, killing 2 civilians and wounding 11; machine-gunned another smaller bus, killing

1 civilian and wounding 2; and wounded 6 civilians in a similar attack on another bus. The total for the week was 4 civilians killed and 34 wounded, one of the highest tolls in a traffic stoppage in 1986.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

El Salvador is a representative democracy. The President's Christian Democratic Party (PDC) enjoys a 33-seat majority in the 60-member Legislative Assembly elected March 31, 1985, but there is vigorous debate among the 5 parties represented in the Assembly; opposition members are represented on all committees. Legislators are elected for 3-year terms.

In preparation for the 1988 legislative/municipal elections and the 1989 presidential election, the Central Elections Council (CCE) is creating a new voter registry with safeguards against fraud. The CCE, composed of one representative of each of the three major parties--the PDC, the National Republican Alliance (ARENA), and the National Conciliation Party (PCN)--is also drafting a streamlined electoral law to present to the Assembly.

The Constitution allows the participation in the electoral process of all political parties that do not advocate armed opposition to the Government, and the right to membership in any legally recognized party is guaranteed. Although the National Revolutionary Movement (MNR) is a member of the insurgent Democratic Revolutionary Front (FDR) allied with the FMLN, the MNR remains a legally recognized party. The Popular Social Christian Movement, though never inscribed as a legal party, has resumed political activity inside El Salvador.

In 1986 the Social Democrats sought inscription as a party but did not present the required 3,000 signatures on its inscription petitions. The conservative Patria Libre party, representing elements formerly incorporated in the ARENA party, presented more than the required number of signatures, but two of the three CCE commissioners blocked a vote on the party's inscription for months. After a change in the law to require a rapid decision on applications for inscription, the CCE advised Patria Libre (since renamed Partido Liberacion) in December that it would be inscribed.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government continues to be receptive to visiting groups interested in human rights. High-ranking government officials and military officers have briefed and been interviewed by U.S. congressmen, church and labor groups, and others. The Inter-American Human Rights Commission of the Organization of American States sent an investigative group in August which met with government representatives, including President Duarte. Americas Watch maintains an office and a part-time representative in San Salvador. The ICRC and local and foreign human rights groups regularly visit prison inmates.

The U.N. Special Rapporteur on Human Rights in El Salvador made his sixth annual visit to the country from September 21 to 27. He met with government representatives, including President Duarte and the military high command; visited prison inmates; made an onsite investigation of the condition of a

group of displaced persons in Zacatelocula; spoke with representatives of the Catholic Church and official and nonofficial human rights organizations; and personally interviewed 22 persons put forward by the Catholic Church and the guerrilla-affiliated human rights groups.

Domestic human rights organizations active in El Salvador include the governmental Human Rights Commission (CDH), an agency which investigates complaints of human rights abuse by the Government and the FMLN, and Tutela Legal, of the Catholic Archdiocese of San Salvador. The nongovernmental Human Rights Commission of El Salvador (CDHES) was exposed in 1986 as a political front of the FMLN. It continues to operate freely, although individual members charged with guerrilla membership are imprisoned awaiting trial.

The Government's Human Rights Commission (CDH) receives testimony from individuals about human rights violations, conducts investigations, visits arrested persons, and reports to the local commanding officer and the Ministry of Defense when it discovers a case of abuse. Its doctors examine detainees to determine the validity of complaints. The CDH keeps a register of persons injured by land mine explosions and acts as liaison for groups wishing to assist amputees with prosthetic devices. To enhance its accessibility to the public, the CDH opened two additional field offices in the departmental capitals of Morazan and Usulutan in August and September.

Tutela Legal's staff visits persons detained by the security forces, carries out some onsite investigations, receives testimony from individuals about human rights violations, and uses the press as a major source for its monthly reports. In his report on the human rights situation in El Salvador, the U.N. Special Rapporteur questioned Tutela Legal's methodology, saying that, where convenient, Tutela Legal counts victims as civilians even when they may be guerrillas. He said he was "obliged to point out that part of these (figures) are combatants and the indication that the majority (of victims) belong to the civilian population constitutes a presumption, which the source (Tutela Legal) clearly acknowledges." The Rapporteur concluded that Tutela Legal's methodology is based on presumptions, not facts.

For their reports, the other groups rely on newspapers, announcements by guerrilla groups, and personal testimony. According to the statements of former members of the CDHES and the Co-Madres, these groups fabricate stories of human rights abuses and attribute the abuses to the Government. A voluminous CDHES presentation to the U.N. Special Rapporteur, including statements made to a U.S. lawyer collaborating with the group, has been circulated in the United States. This report was dismissed by the Special Rapporteur as lacking credibility.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Under the Constitution, women enjoy the same legal rights as men. Women are represented in all three branches of government, in business, and in the professions. In the armed forces, women serve as nurses and in administration and intelligence; the security services have a limited number of policewomen. In January, as part of a larger economic package, the Legislative Assembly passed a law requiring equal pay for

female and male agricultural workers. A high proportion of women in the lower economic strata are heads of single parent households, often providing for large families.

CONDITIONS OF LABOR

The Constitution permits employment of children under 14 years of age only when their employment is necessary to provide for their own or their families' subsistence. Children under age 18 are prohibited from working at night or in dangerous occupations. In reality, however, teenage and even younger children work long hours.

The minimum wage applies to persons working at least 5 hours a day and is equivalent to about US$3 per day. In practice, most of these workers are paid more than the minimum wage. The law entitles them to 15 days of annual paid vacation and extra pay for working at night or for more than 44 hours a week. Persons working less than 5 hours per day receive a proportion of the minimum daily wage equivalent to the hours worked. The law also requires that those paid by piecework or commission receive a salary at least equivalent to the minimum wage.

The minimum wage for farm workers is equivalent to about US$1.60 per day plus food. Most farm workers receive only the minimum, but piece rates paid at harvest time net workers triple or quadruple the minimum wage.

The Government requires that work sites be safe, and that drinking water, toilets, and adequate ventilation be provided workers. Industrial enterprises generally meet these requirements. The Labor Ministry made 28,041 work site inspections in 1985-86 and issued fines equivalent to US$12,270 to employers who did not meet the law's safety requirements.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: EL SALVADOR

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	215.9	433.9	268.2
LOANS.....	81.2	70.0	8.0
GRANTS.....	134.7	363.9	260.2
A.AID	161.4	376.1	268.2
LOANS.....	32.2	21.0	8.0
GRANTS.....	129.2	355.1	260.2
(SEC.SUPP.ASSIST.)...	120.2	285.0	181.9
B.FOOD FOR PEACE.....	54.5	57.8	0.0
LOANS.....	49.0	49.0	0.0
GRANTS.....	5.5	8.8	0.0
TITLE I-TOTAL.....	49.0	49.0	0.0
REPAY. IN $-LOANS.....	49.0	49.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	5.5	8.8	0.0
E.RELIEF.EC.DEV & MFP.	3.7	7.2	0.0
VOL.RELIEF AGENCY.....	1.8	1.6	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	196.6	136.3	121.8
LOANS.....	18.5	10.0	0.0
GRANTS.....	178.1	126.3	121.8
A.MAP GRANTS.....	176.8	124.8	120.4
B.CREDIT FINANCING....	18.5	10.0	0.0
C.INTL MIL.ED.TRNG....	1.3	1.5	1.4
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	412.5	570.2	390.0
LOANS.....	99.7	80.0	8.0
GRANTS.....	312.8	490.2	382.0
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	115.2	23.1	0.0	906.9
IBRD	0.0	0.0	0.0	215.1
IFC	0.0	0.0	0.0	1.0
IDA	0.0	0.0	0.0	25.6
IDB	114.0	21.0	0.0	634.2
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.9	1.2	0.0	23.8
OTHER-UN	0.3	0.9	0.0	7.2
EEC	0.0	0.0	0.0	0.0

GRENADA

Grenada is governed under the parliamentary system inherited from the British, which was suspended in 1979 by the Marxist People's Revolutionary Government (PRG) and subsequently restored after the October 1983 landing by forces of the United States and the Eastern Caribbean nations. The New National Party (NNP), which won 14 of 15 parliamentary seats in the December 1984 election, continues in power. Defections from the NNP in 1986 led to the formation of a new opposition party, the Grenada Democratic Labour Congress (GDLC). In 1985, Parliament restored the 1974 Constitution adopted at independence, and legitimized the court system inherited from the PRG, which had ruled by decree.

Political and civil rights are fully guaranteed by the Constitution. The spectrum of political parties ranges from the moderate NNP, the new GDLC, and the Grenada Democratic Labour Party, to the Marxist Maurice Bishop Patriotic Movement, organized by pro-Bishop survivors of the October 1983 coup against Bishop, and the Grenada United Labour Party of former Prime Minister Sir Eric Gairy.

Since the 1983 fall of the PRG, there has been a healthy increase in economic growth and a decline in inflation. The Government continues to follow a policy of providing individuals greater freedom to pursue economic goals by eliminating or reducing controls on wages, prices, and foreign exchange, and encouraging private investment.

Security in Grenada is maintained by the Royal Grenada Police Force, which includes a 100-man paramilitary Special Service Unit (SSU) and a 30-man Coast Guard. The United States Army and Coast Guard provide periodic training for the SSU and the Coast Guard, respectively.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of politically motivated killings.

b. Disapppearance

There were no reports of politically motivated disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reported incidents of torture in 1986, although the defendants in the Maurice Bishop murder trial continued to allege in court that they were tortured during the early days of their detention. Isolated incidents involving the possible use of excessive force by the police have occurred. In January 1986, a young man died while in police custody, and the question of excessive force never was adequately explained. Another incident involved the roughing-up in public of one of the Maurice Bishop murder trial defendants by police after he reportedly spat in the face of a police officer. The media reported allegations of police brutality during a raid on a waterfront ghetto on the eve of President

Reagan's February 20 visit. Such problems appear not to be the result of a deliberate policy or procedure, but rather reflect inadequate police training or discipline. There were no other reported incidents in 1986.

d. Arbitrary Arrest, Detention, or Exile

There were no reports of arbitrary arrests. By law, Grenadian police have the authority to arrest individuals "on suspicion" without a warrant, but arrests must be accompanied by formal charges. No one was detained for political reasons.

Those arrested are brought before an independent judiciary and are allowed access to an attorney of their choice. In capital cases, the courts appoint counsel when an accused cannot pay for his or her defense. There is a functioning system of bail, although those charged with capital offenses are not eligible.

Grenadian law provides for a judicial determination of the legality of detention within 15 days after arrest on a criminal charge. Formal arraignment or release of the individual arrested must be determined within 60 days. These time limits were respected during 1986. Persons charged with offenses can be held on remand only for a specified time while awaiting trial. This time limit is not always strictly followed, owing to a limited number of judges and other judicial officials to process the caseload expeditiously. No Grenadian citizen was exiled. There were no reports of forced or compulsory labor.

e. Denial of Fair Public Trial

Grenadians have the legal right to public trials, and the law is respected in practice. The examination of witnesses in the Maurice Bishop murder trial began in April 1986, after a series of delays caused mainly by the defense exercising its right to file motions and appeals. The defendants' dismissal of their lawyers soon after the start of the examinations complicated the proceedings by permitting the defendants to declare themselves unrepresented by counsel. Nevertheless, the defendants were given almost unrestricted freedom in the content and length of their own defense statements, which lasted from July until October. In December 1986, a jury convicted 14 of the 18 defendants of murder; they were sentenced to death by hanging. Three others were convicted of manslaughter and given 45-year prison sentences, and one was acquitted. Both the press and the public had free access to the proceedings.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Neither the Government nor any political organization interferes arbitrarily in the private lives of citizens. No forced membership in any organization occurs, and there is no arbitrary monitoring of communications.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Grenadians enjoy full freedom of speech and press. There are five weekly newspapers, a fortnightly, and a newsletter published periodically by a local journalist. Four of the

newspapers are affiliated with political parties. Fliers are occasionally distributed by remnants of the PRG and the New Jewel Movement. Newspapers freely criticize the Government.

The country's single radio station is government-operated; a nascent television broadcasting system organized by a U.S.-based private foundation has brought limited television service to the nation. The system was developed with the cooperation of the Government, but its growth has been hampered by technical and financial constraints. The future of the television facility remains under discussion between the foundation and the Government.

b. Freedom of Peaceful Assembly and Association

Grenadians enjoy the right to assemble for any purpose, including the public protest of policies or actions of the Government. Supporters of political parties, including those in power prior to October 1983, meet frequently and hold public rallies. There are no controls on private or public meetings.

Workers are free to organize independent labor unions and to bargain collectively, and union leaders play a significant role in Grenadian political life. Public sector workers are permitted to strike legally upon advance notification. In 1986 all unions were free of government control, and none received government support. Individual trade unionists must separate their political involvement from their union activities. Grenada's Trade Union Congress is a member of the Caribbean Congress of Labour, affiliated with the International Confederation of Free Trade Unions.

c. Freedom of Religion

Roman Catholicism and Anglicanism predominate, but there are many Presbyterians, Methodists and other Protestants. In addition, a small Baha'i community exists in Grenada, and an Islamic Center serves the Muslim community. Grenadians enjoy complete religious freedom, which extends to non- Christians such as Rastafarians, who were harassed under the PRG regime. Clergy and missionaries travel and preach freely. Adherence to a particular religious denomination appears to confer no special advantages or disadvantages in Grenada, although Christian prayers and hymns form part of many governmental and political meetings.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Grenadians may move freely within Grenada and, in principle, the right to enter and leave the country is guaranteed to all Grenadian citizens. Nevertheless, an "Act to Restrict the Freedom of Movement of Certain Persons" became law in March 1986. The Act allows the minister responsible for national security to restrict the travel out of Grenada of "any person whose aims, tendencies, or objectives include the overthrow of the democratic and parliamentary system of government." The law was enacted after the Grenadian Appeals Court sustained a government action witholding the passport of a former member of the PRG who sought to leave the country in 1985. The legislation allows persons affected to appeal after 3 months to a three-man tribunal. There were no reports of this law being applied to restrict travel in 1986. No "repatriates" were returned forcibly to Grenada in 1986, nor were any cases reported of refugees seeking safehaven in

GRENADA

Grenada. (The Baha'i community includes Iranians who left their homeland to escape persecution.) The Government has allowed students and others to return from Cuba and other Communist bloc countries.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution guarantees free and fair elections at least every 5 years. The majority party in Grenada's current Parliament is the NNP led by Prime Minister Herbert Blaize. Formed by three parties in 1984, the NNP won overwhelmingly in an election in which 85 percent of the voters cast ballots. In 1986 the NNP's parliamentary majority was reduced to 12 of the 15 seats after 2 members resigned over differences within the party. Local government elections promised by the NNP during the 1984 campaign remain a topic of public debate but have yet to be conducted. Other political parties actively assert their views in public and seek support from the Grenadian electorate.

The political system is not dominated by any particular ethnic group, nor are there any restrictions which limit participation to any part of Grenada's population.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has welcomed visits by several human rights organizations in the past, although there were no such visits in 1986.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Discrimination is officially prohibited and there is none in health care or education. There have been isolated complaints, however, of unofficial job discrimination against Guyanese resident in Grenada.

Women frequently earn less than men performing the same work and tend to occupy jobs which pay less. Wage differences are less prevalent for more highly paid jobs, but there are fewer women in such positions. A notable exception is the Civil Service, where women hold a number of positions of responsibility.

CONDITIONS OF LABOR

Grenada lacks legislation effectively regulating work hours, wages, and occupational safety and health standards. Normal work hours, however, rarely exceed 40 hours per week. Minors often work in family-run shops and farms, but employment of children under 16 in Grenada's relatively small industrial sector is prohibited by law.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GRENADA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	48.4	11.3	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	48.4	11.3	0.0
A.AID	48.4	11.3	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	48.4	11.3	0.0
(SEC.SUPP.ASSIST.)...	47.0	11.1	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.1	0.1	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.1	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.1	0.1	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	48.5	11.4	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	48.5	11.4	0.0
OTHER US LOANS.....	1.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	1.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	0.0	5.1	6.0	11.1
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	6.0	6.0
IDA	0.0	5.0	0.0	5.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.0	0.1	0.0	0.1
OTHER-UN	0.0	0.0	0.0	0.0
EEC	0.0	0.0	0.0	0.0

GUATEMALA

In 1986 Guatemala completed an orderly and open transition from a military regime to a democratically elected, civilian government. On January 14, the President, 100 deputies, and 330 mayors chosen in the 1985 general and presidential runoff elections took office, the first civilian government to assume power in Guatemala since 1966.

The new government, headed by President Marco Vinicio Cerezo Arevalo, inherited a deeply divided country which for more than 20 years has suffered a Marxist-led guerrilla insurgency as well as political violence carried out by rightist death squads and government security forces. This situation is complicated by ethnic differences separating the Ladino and indigenous populations. The 23 different Indian dialect groups, which make up 50 percent of Guatemala's population, have historically lived on the margins of national life. Successfully organized by insurgents in the late 1970's, Indian participation in the insurgency gave the guerrillas the armed force and strategic position necessary to challenge the Guatemalan military. The resulting insurgency in the highlands was notable for its ferocity. Although both sides contributed to the carnage, reports of brutality and massacres committed by government security forces resulted in Guatemala being condemned and isolated by the international community.

The Cerezo Government also inherited an economy struggling to recover from the ravages of a severe recession. Primarily an agricultural country, Guatemala is characterized by a badly skewed distribution of land and capital. The social tensions generated by such economic inequalities have been exacerbated by inflation and lack of employment. Although the Government embarked on a small public works program in 1986, its ability to respond adequately to social needs is curbed by limited resources.

Upon coming to power, the new Government announced that ending political violence and establishing the rule of law would be its top priorities. To that end, President Cerezo undertook a reorganization of the security forces and disbanded the Department of Technical Investigations, the plainclothes arm of the national police widely acknowledged to have engaged in extortion, robbery, and political kidnapings and assassinations. A new Supreme Court also embarked on a series of reforms designed to end corruption and improve the efficiency of the legal system. New laws are designed to give citizens legal recourse when they believe their rights threatened by the authorities. The Congress, in accordance with the Constitution, has established a Human Rights Committee. It recently approved legislation covering the duties of a human rights ombudsman.

In 1986 political killings and kidnapings dropped to the lowest level in this decade. Human rights groups blame the security forces for the abuses that remain, but they have not produced evidence linking the new Government to these crimes. In 1986 the United Nations rescinded the mandate of its Special Rapporteur for Guatemala, noting the return to civilian government and the Government's commitment to end political violence.

The decline in political violence has helped focus attention on the issue of accounting for past human rights abuses. Amnesty, available to insurgents since 1982, was expanded by decree by the outgoing military government to include anyone

guilty of common crimes committed with political motivation. This applies to members of the security forces guilty of kidnaping and assassination. The Mutual Support Group (GAM), an organization of relatives of disappeared persons, has called on the Government to rescind the decree and set up a special presidential commission to investigate past abuses. President Cerezo told GAM members that only the judiciary is constitutionally competent to conduct such an investigation. He has urged GAM to bring charges in the courts against alleged violators of human rights, something which GAM so far has refused to do. This impasse has bred ill will between the Government and GAM and has contributed to the politicization of human rights issues in Guatemala.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Although criminal violence continued to be a serious problem in 1986, the number of murder cases in which a political motive cannot be ruled out declined significantly. Killings of civilian noncombatants with possible political implications declined for the fourth year in a row, dropping to 131 in 1986, the lowest figure in this decade; the 1986 total compares with 280 such killings in 1985. Of these 131, 72 were attributable to guerrilla forces, 3 to right-wing groups, and 56 to unknown assailants. Although GAM and some foreign groups claim that government security services continue summarily to execute insurgents and insurgent sympathizers, there is scant evidence linking officials to such acts. In only a few of the 131 cases did a family member or associate attribute the death to government forces.

The decline in political killings can be attributed to the Cerezo Government's commitment to ending political violence, its reorganization of the security forces, and its stated determination to punish anyone using violence to undermine the democratic process. These actions signal the withdrawal of official protection and tolerance which previously allowed political violence to corrupt the political system.

There was a dramatic increase in 1986 in killings for other than political reasons. High levels of unemployment and insufficient numbers of trained police appear to be primarily responsible for the upsurge in criminal violence. During 1986, 1,832 people were murdered in Guatemala, compared to 1,539 the year before. Assaults with intent to kill jumped from 2,813 in 1985 to 5,088, and armed robberies rose from 1,727 to 2,570. Some observers point to this criminal violence as proof that political killings continue unimpeded. However, in few instances has a link been established between the killings and any political activity by the victims. President Cerezo told a foreign newspaper in September that outside observers have confused common crime with political violence. Among the victims of such violence were members of the Armed Forces and the ruling Christian Democratic Party (DCG). At least four Army officers and several Army specialists attached to the General Staff were killed in Guatemala City in 1986. Other victims of criminal violence were local DCG officials in San Martin Jilotepeque, Department of Chimaltenango, and Villa Nueva and Villa Canales, Department of Guatemala.

GUATEMALA

Among those killed in 1986 were Justo Rufino Reyes, Secretary General of the Municipal Workers Union (SCTM), and Emilio Guzman, head of the Street Vendors Union. Following Reyes' stabbing death, other unionists denounced the killing as an attempt to intimidate the trade union movement. However, at no time was it alleged that the killing was the work of the Government. Shortly after the murder, police arrested one suspect and announced the name of another. The second suspect was later found dead, and police tentatively labelled the crime an act of common violence. At the time of his murder, Reyes was trying to break the SCTM away from a leftist trade union confederation and align it with the AFL-CIO supported Guatemalan Confederation of Labor Unity (CUSG). Reyes had also fought and lost a bitterly contested race for Secretary General of SCTM with a leftist rival, an election which was later declared null by the Ministry of Labor after it uncovered evidence that Reyes' competitor had engaged in vote fraud. The Ministry called for a second election, for which Reyes was campaigning at the time of his murder.

Guzman was reportedly knifed by two youths attempting to rob him. Police arrested the two shortly after the killing. Juan Francisco Alfaro, Secretary General of the CUSG, expressed concern at the killing of a second moderate union leader, and called on the Government to investigate the case.

The four Marxist guerrilla organizations which have been waging the insurgency rejected the opportunity to participate in the elections and have continued their armed struggle against the civilian Government. Although armed encounters declined by approximately 50 percent from the 1985 level, 81 guerrillas, 50 Guatemalan soldiers, and 19 civilians were reported killed in combat. Guerrilla forces also executed five military commissioners, civilian representatives of the Army in rural areas, and continued their campaign against members of the civil defense patrols, killing 10 in combat and executing 6 others. Their program of physical intimidation extended to other sectors of Guatemalan society. In March, guerrillas killed the auxiliary mayor of Santa Barbara, Suchitepequez. In El Peten, the mayor of La Libertad fled after receiving death threats from the Rebel Armed Forces (FAR). The FAR shot to death several farm administrators and farmworkers in Escuintla, and booby traps left by the Revolutionary Organization of People in Arms (ORPA) killed two farm workers in Suchitepequez. FAR gunmen shot and killed a Salvadoran businessman in the Peten area as he attempted to land his airplane on a FAR-controlled airstrip in the course of a holiday trip.

b. Disappearance

The Guatemalan police report 203 persons were kidnaped in 1986. While most of the incidents appear to be criminally inspired, in 79 of the cases political motives cannot be ruled out. This total compares with 198 disappearances with a possible political motive recorded in 1985 and 425 in 1984.

Historically, it has been difficult to assign responsibility for or motive to most disappearances and kidnapings. In Guatemala, personal vengeance or ransom can be as powerful a motive to kidnap as political differences, and abduction is a tactic used by individuals and groups for a variety of reasons. Nevertheless, prior to 1986, kidnaping and subsequent killing of victims were methods frequently used by security forces to capture, interrogate, and eliminate

insurgents, their sympathizers, and others believed to pose a threat to the State. The distinctive modus operandi employed by the security forces and the ties of their more prominent victims to student, labor, or political groups, readily identified the Government as the probable author of such extrajudicial activities.

In 1986, the "trademarks" of the government security services were largely absent from the cases of abduction that had possible political implications. For instance, two members of the National Congress, including Rudolfo Maldonado, the DCG head of the Foreign Relations Committee, were kidnaped in separate incidents and held for several hours. The same occurred to members of labor organizations such as SCTM and CUSG. However, in none of these incidents was the victim harmed or the Government implicated. In August, the mayor of Chiquimula, Jose Maria Garcia Portillo, a member of the rightist National Liberation Movement, was kidnaped. Still missing, his disappearance is believed to be the result of local intraparty rivalry. On May 12, Maria Elena Rodas Orellana, a University of San Carlos engineering student, disappeared in Guatemala City on her way to the university from her home in Chimaltenango. A police investigation indicates that Miss Rodas, who apparently was not involved in political activities at the university, was the victim of criminal foul play.

Critics continue to charge military security forces with abducting people in and around conflictive zones (i.e.,areas where guerrilla forces are active), in order to question them about subversive activities. For instance, the April kidnaping of 7 farmworkers near Rio Bravo, Suchitepequez, and the abduction of 2 young men from a house run by the Bishop of Coban have been blamed on security forces. Following a surge of guerrilla and criminal activity around San Luis, El Peten, soldiers at the military detachment in San Luis reportedly arrested Salome de Jesus Cano Rodriguez. Several weeks later, soldiers reportedly arrested Vicente Carrillo, Everado Solares Mejia, and Mateo Moterrose Revolorio in the nearby village of La Puente. None of these individuals has been seen since.

Insurgent groups continue to use kidnaping to commandeer labor and to punish government collaborators. On August 1, members of the FAR kidnaped four families from El Canaan, La Libertad, El Peten. In January, 3 of 4 men kidnaped from Malacatan, San Marcos, were found dead in a river near the Mexican border. One of the dead men wore a sign which read, "executed by ORPA for desertion." The Guerrilla Army of the Poor (EGP) continued to hold people in a small area in northern El Quiche to use as suppliers of food and labor. During 1986 several hundred people managed to escape from guerrilla-controlled areas.

The decline in current cases of politically motivated disappearances and killings also has helped focus attention on the issue of accounting for past human rights abuses and highlighted the dispute between the Government and GAM. In May GAM submitted writs of habeas corpus on behalf of over 1300 disappeared persons. The Supreme Court designated a judge to administer the entire writ process, reportedly the first time this has been done in Guatemalan judicial history. In October, the judge completed the preliminary phase of his investigation and announced that he had found 33 of the total, 29 of whom were in jail, and 4 dead. He did not find any

secret detention centers during his investigation, which he said will continue until all the remaining cases are clarified.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The civil and criminal codes expressly prohibit physical and mental torture. Nevertheless, the practice continues. In the past, torture was allegedly one of the means used by the government security forces to extract information from suspected insurgents and insurgent sympathizers. However, since very few of the people picked up by the security forces lived to tell their stories, the only evidence of such practices were the broken bodies found by the sides of the roads in Guatemala. With the decline in political violence, there has also been an apparent decrease in the incidence of torture. Guatemalan press reports occasionally refer to "signs of torture" being found on the bodies of some murder victims. However, according to the head of Guatemalan Medical Forensic Science, the unit of the judicial branch which is required to conduct autopsies in cases of violent or suspicious death, the incidence of torture has dropped dramatically within the last year. He has stated that he claims to know of only two such cases in 1986.

Occasionally, individual police officers are accused of committing acts of brutality, sometimes to obtain confessions and sometimes to punish criminal suspects. In an effort to control this type of abuse, the Government has initiated a series of reforms designed to professionalize the police force. Besides emphasizing the importance of respect for the constitutional rights of those detained, the importance of collecting and evaluating physical evidence from the scene of a crime is being stressed. Recently, the judicial branch of government sponsored seminars in which it taught over 3,000 police officers the basic methods of legal arrest. The police force also has adopted a new hiring system designed to improve its educational level and to end cronyism. The Governments of Spain, France, the Federal Republic of Germany, and Venezuela, recognizing the importance of an effective civilian police force to the success of the civilian Government, have pledged material and technical assistance.

Due to limited budgetary resources, Guatemala's prisons are characterized by overcrowding, rudimentary facilities and a lack of medical services. A new director has tried to better conditions at the central Pabon prison by involving the inmates in prison-improvement programs. There has been no repetition of the rioting which occurred in 1985, and, in comparison with previous years, there were no allegations of brutality by prison personnel. There is no policy of physical punishment for inmates at Pabon and other penal institutions.

d. Arbitrary Arrest, Detention, or Exile

Persons may not be held for more than 6 hours without being brought before a judge and charged with a crime. Previously, the police had 48 hours to bring a person before a magistrate. This change, mandated by the new Constitution, has been criticized by the police as providing insufficient time to arrest, process, and bring suspected criminals before a judge, especially in the countryside where suspects must often be transported long distances. The police have been known to use this as a pretext to mete out frontier justice. For instance, following a robbery and shooting at a bar in

Coatepeque, Department of Quetzaltenango, in which a police officer was wounded, police captured and summarily executed a suspect, tossing his body into a well. The Government responded quickly to this official abuse of power, arresting the police chief of Coatepeque and the officers who participated in the capture and execution.

Some human rights groups have charged that the civil defense patrols, a local militia organized by the Army as part of its counterinsurgency program, are a form of uncompensated, obligatory service. Approximately 721,700 men participate in the civil defense patrols, about 13 percent of the entire population. According to the Constitution, service in the civil patrols is voluntary. Upon taking office, President Cerezo announced that each locality would be able to decide whether to keep or disband its patrol.

Despite the decision of some villages to disband their patrols, there exists evidence that in conflictive zones of the country, service is required. Occasionally the military, through local military commissioners, applies pressure on the people to participate. Exemptions may be obtained, but usually only for medical reasons or by paying another man to perform the service. The Catholic Church, through a variety of spokesmen, has voiced opposition to what it calls the "obligatory service" of the patrols. Several Guatemalan congressman have also criticized the patrols. The Government maintains the civil defense patrols play an important role in the counterinsurgency program, and it is doubtful that they will be disbanded anytime in the near future.

The Government does not use involuntary exile as a form of punishment, nor are critics arrested and convicted on unsubstantiated charges. Compulsory labor is prohibited by law and is not known to be practiced.

e. Denial of Fair Public Trial

The Guatemalan legal system has been characterized by inefficiency and corruption. Although there has been little overt interference in the operation of the courts by the military or the executive branch, in the past many judicial officers reacted positively to indications of special interest in particular cases by high government or military officials. The practical effect of such influence was that the judicial system did not respond adequately in cases involving human rights violations committed by the authorities.

In 1986 members of the new Supreme Court were chosen by the National Congress. The 9 magistrates of the court, who will serve a 6-year term, control the staffing and administration of the judicial branch of government. They have embarked on an ambitious program to improve the efficiency of the court system and to reduce corruption. The magistrates have also set out to assert the judicial branch's independence from the executive. Among the first reforms is the creation of a special group of judges to supervise and direct police investigations and to evaluate and guard evidence. This measure, together with the creation of an investigative unit of young lawyers, is designed to improve the courts' ability to deal with criminal cases. According to the Minister of Interior, of the 30,000 persons arrested during 1986, 29,000 were released for lack of evidence.

GUATEMALA

Persons arrested in Guatemala are guaranteed the right to legal counsel at all hearings, and lawyers are provided by the State if the defendants cannot afford them. However, the lawyers provided are usually law students. Also, the majority of the nation's lawyers live in or near Guatemala City, and it is difficult to retain legal counsel in the countryside.

Defendants may be released at the discretion of the magistrate after posting bail. However, the judicial machinery is cumbersome and slow, and it is not unusual for defendants to spend several months in prison before the courts render a decision on their guilt or innocence.

New laws protecting individual rights, including the right to a judicial determination of the legality of detentions, went into effect upon the installation of the civilian Government in January.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution guarantees the inviolability of the home and of personal correspondence and private papers.

Charges that private correspondence is tampered with continue to be made. Postal authorities acknowledge this sometimes happens and blame dishonest employees. Letters bearing checks from relatives of Guatemalans living in the United States are a particular target of mail theft. There have also been allegations of mail tampering and telephone tapping by security forces.

Although the security forces have an intelligence network, there is no organized system of government informers or neighborhood watch committees in urban areas. However, civil defense patrols have served as a means of reasserting government control over the countryside. The involvement of part of the rural population, especially in conflictive areas, obviously contributes to the Government's ability to monitor the movement of its citizens, an important function of the civil defense patrol in countering the insurgency. Guerrilla organizations have accused military commissioners as well as other rural government employees of being "informers." Insurgents have assassinated a number of such persons.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution guarantees these rights, and the Government affirms them in practice. In 1986, there were no indications of any attempt to prevent the media from freely airing diverse viewpoints and actively covering the spectrum of political opinion and debate. In fact, one of the major daily newspapers is owned by a former presidential candidate, and has emerged as the leading antigovernment newspaper.

Present press freedom contrasts sharply with that of recent years when newspaper reporters and broadcast journalists were frequent targets of political violence. Lingering fears still serve to limit somewhat the exercise of press freedoms. While opposition views and criticism of the Government are aired freely and frequently, journalistic self-restraint results in only perfunctory coverage of topics dealing with the military, national security, official corruption, and police

investigations. Journalists are not prevented from entering or covering events in conflictive zones, but they rarely do so. Guerrilla organizations and civil rights groups, GAM and many of GAM's foreign solidarity and support groups, all have access to the media through paid advertisements, communiques, and manifestos. The communist Guatemalan Workers Party (PGT), and the guerrilla-linked Guatemalan Human Rights Commission and Committee of Farmworker Unity (CUC) have also published messages in the press.

Radio is Guatemala's most pervasive medium, with over 100 privately owned stations operating throughout the country. There are five privately owned television stations. The Government owns and operates six radio stations and one television station which broadcast a variety of news, educational, and entertainment programs. Four major independent daily newspapers are published in the capital. The Government publishes one daily with official announcements, decrees, and selected news items.

There is no censorship of either local or foreign books about Guatemala or other subjects. A few local writers and artists continue to live and work outside of Guatemala; however, their exile is voluntary.

The main campus of the University of San Carlos (USAC) has been a center of violence, both political and criminal, in recent years. Although several USAC students and workers were killed or kidnaped in 1986, there is no evidence linking such violence to the political activities of the victims or to the Government. On the contrary, political activity on campus has increased since the advent of civilian government. During the campaign leading up to the June elections for rector, student organizations linked to the underground PGT participated on behalf of one of the candidates. Student organizations also took part in protest marches and published manifestos critical of the Government in the press. During a labor dispute in May, the USAC workers union took the acting Rector and Superior Council of the University hostage in an effort to force USAC to meet its salary demands. The hostages were freed without force, and no arrests were made or reprisals taken.

b. Freedom of Peaceful Assembly and Association

The Constitution guarantees the rights of assembly and political association. These rights were exercised throughout the process of democratization that began with the July 1984 Constituent Assembly elections and culminated with the election and installation of the civilian Government in January 1986. Since then, there has been a further increase in public political gatherings and demonstrations. GAM holds weekly demonstrations in front of the National Palace, and has twice staged sit-ins at the palace and forced its way into the Independence Day parade. Labor unions, organizations of housewives, and neighborhood groups have also gathered in the central plaza to protest the high cost of living and other issues. On May 2, the day after the first May Day demonstration since 1980, thousands of farmworkers who had marched from the south coast gathered in the central plaza to ask the Government to help them find land. The demonstrations took place without incident.

Under the Constitution, workers have a right to organize, strike, and bargain collectively. Public workers also enjoy

this right, although its exercise must "in no case affect state public service activities." However, the Congress is required to pass implementing legislation and to modify the labor code to bring it into compliance with the Constitution. Delays in this process have frustrated public sector workers, who have pushed ahead with organizing plans. Of the 29 work stoppages which have occurred since the inauguration of the civilian Government, 19 were carried out by government employees. Although the Government threatened legal action against the striking public employees, it never made good the threat.

There are approximately 300 active labor unions in the country organized into three national trade union confederations. The largest and most significant is the Confederation of Labor Unity (CUSG), a democratic group associated with the AFL-CIO that espouses the principles of the free trade union movement and emphasizes economic unionism. In 1986, CUSG, an affiliate of the International Confederation of Free Trade Unions, consisted of 20 federations and approximately 135,000 workers. The second largest labor organization is the Christian Democratic-oriented Coordinating Committee of Guatemalan Workers (CTG), claiming 12,000 members. The third is the leftist Guatemalan Workers Union (UNSITRAGUA), which has 10,000 members. CTG and UNSITRAGUA have not yet gained legal status.

In the past, Guatemala was cited by the International Labor Organization's (ILO) Committee on Freedom of Association because of abductions of trade union leaders and legal advisors. No such complaints were filed in 1986. The ILO also has cited Guatemala for noncompliance with Conventions 87 and 98, which affirm public workers' right to strike and the right of unions to engage in partisan political activities. Guatemala received no such criticism in 1986.

Aside from labor unions, there are numerous professional and trade associations in Guatemala. These groups operate autonomously, without government interference, and often exercise considerable political influence.

c. Freedom of Religion

The rights of freedom of conscience and to free exercise of religion are recognized and respected in practice. Legal recognition is granted to all denominations.

More than 70 percent of the population practices Roman Catholicism. Many Indians, however, combine Catholic tenets with elements of their traditional beliefs. Evangelical churches have grown rapidly, especially among Indians, and their followers now number about one-quarter of the population. There is also a small Jewish community.

Foreign Catholic clergy and religious workers actively proselytize in Guatemala. Foreign Protestant evangelical clergy have been joined in their efforts by local representatives of Guatemala's growing evangelical movement. One result of this religious mixture has been some tension between Catholics and Protestants. Authorities deny any deliberate policy of discrimination. However, evangelicals have cited some cases of intimidation by the police and government officials.

Catholics and evangelicals are free to preach and develop congregations. However, both Catholics and Protestants have suffered the effects of political violence. During the height of the counterinsurgency campaign in the highlands in the late 1970's and early 1980's, 14 Catholic clergy and hundreds of catechists lost their lives. The radicalization of some clergy led to the creation of the Guatemalan Church in Exile, a small Mexico-based religious front for the insurgents. Although several priests working on the south coast and in the highlands have received death threats in 1986, no incidents of political violence involving Catholic clergy were reported. The evangelical community has not fared as well. During the first part of 1986, four evangelical pastors were killed in separate acts of violence in Guatemala City. This led the head of the Guatemalan Evangelical Alliance to charge that the killings were part of an attempt to intimidate evangelicals. However, no suspects were arrested, there were no further incidents, and the charge was not repeated.

With the advent of a Christian Democratic government, the Catholic Church found itself in the unaccustomed position of working alongside a government which shared its social teachings. Nevertheless, the Church asserted its responsibility to speak for "those who have no voice" and reserved the right to criticize government actions. During 1986 the Church continued to voice opposition to the civil defense patrols and the model village program. It also opposed the Government's family planning programs. The involvement of some clergy in a farm workers movement prompted the Archbishop to renew his call for a more just distribution of land.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government does not limit the freedom of movement of its citizens within the national territory. However, the Government continued in 1986 to set up roadblocks in the interior to check documents and search vehicles for security purposes. The Treasury Police also used roadblocks to search for contraband and to interdict smuggling across Guatemala's four borders. There are no restrictions on foreign travel or on the right to reenter the country. All citizens are free to migrate to other countries.

The United Nations High Commissioner for Refugees (UNHCR) estimated that approximately 38,677 Guatemalans, mostly Indians from areas afflicted by insurgent activities, continue to live as refugees in Mexico. Half live in camps in the border areas of the Mexican state of Chiapas; the rest have been moved to camps near the Bay of Campeche. Since 1982 the Government has followed a policy of encouraging "voluntary and orderly" repatriation of all displaced persons and assisting their reintegration into the country. The Cerezo Government has continued this policy. In several public statements, the President has encouraged refugees to return to Guatemala, guaranteeing that they will face no official persecution. Recently, the Governments of Guatemala and Mexico agreed to set up a special commission to study the situation and work out a modus operandi to foster the voluntary return of Guatemalan citizens. The biggest problem facing the Guatemalan Government is not the security of returning citizens but lack of economic assistance. Although the Government has offered to use model villages temporarily to shelter refugees, it does not have the resources necessary to

handle a sudden large influx. International organizations such as the International Committee of the Red Cross (ICRC) and the Inter-Governmental Committee on Migration (ICM) are not established in Guatemala, and therefore Guatemala can count on little international assistance at this time to resettle returnees. However, the Guatemalan Government has held talks with ICRC and UNHRC representatives and recently joined ICM.

Following a general decline in guerrilla activity and a decision by Mexico to relocate Guatemalan refugees in the Mexican states of Campeche and Quintana Roo, away from the border, some individuals began to return to Guatemala. The number is difficult to estimate, since most came in small groups and entered Guatemala the way they left, avoiding government immigration stations along the border. Nevertheless, it is believed that since 1981 approximately 7,000 refugees have returned. So far this year, UNHCR and the Mexican Committee for Aid to Refugees have repatriated 260 persons. The Guatemalan Government claims that 500 have returned.

Some human rights groups contend that it is not safe for many of these people to return. They assert that returnees will be improperly identified as guerrillas and killed by security forces. The Government denies this. Not only are many of the villages along the border largely populated with people who returned safely from Mexican camps, but some very well-known voluntary political exiles have returned to Guatemala without suffering persecution. It must be noted, however, that the animosities created by the civil war in the highlands die hard, and villagers along the border have said that former insurgents could expect to be treated in the same manner as they had once treated their fellow villagers. There are no known cases of returnees being singled out for persecution by government security forces.

The political umbrella group for the insurgent organizations, the Guatemalan National Revolutionary Union (URNG), and several human rights groups, have called on the Cerezo Government to dismantle the model village program, alleging that it violates the right of freedom of movement by herding people into "concentration camps." This characterization is rejected by inhabitants of the model villages and most observers who have visited them. At present, less than 50,000 people, or 1 1/2 percent of the highland population, live in model villages. Most of these villages were built on the sites of villages destroyed in fighting between government security forces and insurgents and are populated by inhabitants of the area. Some villages, especially in the Playa Grande Development Pole, one of the resettlement centers for displaced persons, are populated by people who cannot return to their land, either because it is still in a conflictive area, or because they are former guerrillas who fear vengeance at the hands of their former neighbors. Although the Government originally had planned to build 49 model villages, at present it has completed approximately 14 and is constructing another 10. Lack of funds and uncertainty over the future of the model village program have halted construction. Existing model villages are fully populated, and some, such as those of Acul and Chacaj, have been invaded by squatters. The services and security offered in the model villages attract many who have been living in conflictive zones in the highlands.

GUATEMALA

In addition to those who sought haven in Mexico, a major byproduct of the insurgency was the internal displacement of as many as 400,000 persons since 1981. Both government and private agencies working with displaced persons agree that the number of such persons has decreased substantially. A survey conducted by the Government in 1985 estimated the number of then-displaced persons at approximately 8,000. As one measure, the processing centers for displaced persons in El Quiche, one of the most conflictive of departments, contain approximately 4,000 people. These centers are designed to provide emergency health care for persons who have recently come out of the mountains, and to provide temporary shelter until they can be helped to relocate either to their own land or to one of the model villages. However, with the model villages full and no place else to go, many individuals have no choice but to stay on as semi-permanent residents of the processing centers.

Insurgent groups continued to set up roadblocks during 1986, extracting war taxes and haranguing the people they stopped. In El Peten, they burned trucks, helicopters, and drilling equipment of oil exploration companies, forcing these companies to suspend operations.

Following a pattern that began under the Rios Montt Government in 1982, Guatemalans living abroad in voluntary exile continued to return to the country in 1986. For instance, in August, President Cerezo announced the return of Mario Monteforte Toledo, one of the co-authors of Decree Law 900, the 1950's Agrarian Reform Law of the Jacobo Arbenz Government.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

On January 14, 1986, a democratically elected, civilian government took office in Guatemala, the first since the Mendez Montenegro regime in 1966. The return to civilian government dates from the March 1982 coup which deposed the Lucas Garcia regime and installed a military junta led by General Efrain Rios Montt. The Rios Montt Government was itself overthrown in an internal military coup in August 1983, partly because younger military officers perceived it was reneging on its pledge to return the country to civilian rule. The Constituent Assembly elections the Rios Montt regime had tentatively scheduled for July 1984 were held on time. Following the Assembly's completion of a new Constitution and electoral laws in the spring of 1985, the government of General Oscar Humberto Mejia Victores called general elections. Fourteen political parties, supporting eight presidential candidates, participated in the November 3 election. The top two presidential contenders met in a run-off election on December 8. These two elections, characterized as efficiently run and free of fraud by international observers, attracted more voters than any election in Guatemalan history.

The Constitution written by the Constituent Assembly also went into effect on January 14. It guarantees individual rights and provides for a legislative Human Rights Committee, to consist of a deputy from each party represented in Congress. The Constitution also requires the Congress to select a Human Rights Ombudsman to be chosen from a list of nominees submitted by the Human Rights Committee. The Congress recently passed legislation defining the powers and functions of the Ombudsman. The legislation gives the Ombudsman the

immunities and prerogatives of a member of congress, and the powers to investigate and publicize alleged human rights abuses. With a separate budget and his own staff, plus representatives in each of the departments, the Ombudsman and his deputies will be able to visit government facilities without notice or a warrant, and will have access to all government files, with the exception of those dealing with current military operations and national diplomacy. Once selected, this official will provide the citizenry with access to an independent institution to which they can have recourse to denounce and publicize human rights abuses. The Constituent Assembly also drafted new laws protecting individual rights. These measures are designed to end official tolerance of human rights abuses and political violence in Guatemala.

The Christian Democratic Party (DCG) dominates the new Government. It controls the presidency and, for most of the year until the defection of several deputies, held a majority of seats in the legislature. Through the appointive powers of the legislature, the DCG also played an important role in the selection of the Supreme Court justices. Of 330 mayors in Guatemala, 184 are members of the DCG. However, there are nine political parties represented in the Congress, and several national labor organizations and GAM have also emerged as opposition forces. Municipal elections are scheduled for 1988, and general elections for a new President and Congress are scheduled for 1990.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The new Government extended an open invitation to human rights groups and other international organizations to visit Guatemala in 1986. Such visitors included the former UNHRC's Special Rapporteur for Guatemala, Americas Watch, the Inter-American Human Rights Commission, the Faculty for Human Rights in El Salvador and Central America, and numerous religious groups.

The most vocal opposition to the Cerezo Government came from GAM, which claimed that major human rights violations continued under civilian administration. GAM leader Nineth de Garcia alleged but has not substantiated that 6 political assassinations per day took place in Guatemala, and that 200 people disappeared during the first several months of the new government. When GAM submitted its writs of habeas corpus to the Supreme Court, it did not include any cases from 1986.

Section 5 Discrimination Based on Race, Sex, Language, Religion, or Social Status

Guatemala is a society in which most women play traditional roles. While not a matter of law, discrimination against women is rooted in centuries of cultural practice. Although figures show that over one-half of the female population has not been educated and that 94 percent of women residing in rural areas had less than 3 years of schooling in 1978, it is estimated that 30 percent of the students presently enrolled in Guatemalan universities are women. The number of women occupying professional and managerial positions is small but increasing.

GUATEMALA

Several women have been named to high government positions. Ana Catalina Soberanis Reyes was named Minister of Labor by President Cerezo; she also plays an important role within the Christian Democratic Party. President Cerezo has also named women to head the government tourist and social welfare agencies. There are seven women deputies in the National Congress, including one Indian from the Department of Chimaltenango.

CONDITIONS OF LABOR

Guatemalan workers are protected by a variety of laws which establish minimum wages, minimum working age, and maximum working hours, and attempt to establish minimum safety standards at the workplace. However, regulations are frequently ignored by employers, and the Government has been unable fully to enforce these laws.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GUATEMALA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	20.3	106.9	92.7
LOANS.....	6.7	59.7	29.8
GRANTS.....	13.6	47.2	62.9
A.AID	4.5	75.7	89.8
LOANS.....	0.0	39.7	29.8
GRANTS.....	4.5	36.0	60.0
(SEC.SUPP.ASSIST.)...	0.0	12.5	52.8
B.FOOD FOR PEACE.....	13.2	28.2	0.0
LOANS.....	6.7	20.0	0.0
GRANTS.....	6.5	8.2	0.0
TITLE I-TOTAL.....	6.7	20.0	0.0
REPAY. IN $-LOANS.....	6.7	20.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	6.5	8.2	0.0
E.RELIEF.EC.DEV & WFP.	1.9	3.8	0.0
VOL.RELIEF AGENCY.....	4.6	4.4	0.0
C.OTHER ECON. ASSIST...	2.6	3.0	2.9
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.6	3.0	2.9
PEACE CORPS.....	2.6	3.0	2.9
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.5	5.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.5	5.4
A.MAP GRANTS.....	0.0	0.0	5.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.5	0.4
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	20.3	107.4	98.1
LOANS.....	6.7	59.7	29.8
GRANTS.....	13.6	47.7	68.3
OTHER US LOANS.....	0.0	0.2	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.2	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	135.8	237.6	81.0	1451.5
IBRD	50.0	44.6	81.0	471.6
IFC	0.0	0.0	0.0	18.2
IDA	0.0	0.0	0.0	0.0
IDB	84.5	191.0	0.0	925.1
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	1.3	1.8	0.0	25.3
OTHER-UN	0.0	0.0	0.0	11.3
EEC	0.0	0.0	0.0	0.0

GUYANA

Guyana is a small, multiracial, developing nation. It is the only English-speaking country in South America and is considered, culturally and politically, to be a part of the Caribbean. The Co-operative Republic of Guyana has an Executive President, Hugh Desmond Hoyte, who was elected in December 1985, as well as a unicameral parliament and an independent judiciary. A variety of political parties compete for power, the major ones being the ruling Peoples National Congress (PNC), the Peoples Progressive Party (PPP), the United Force (UF), and the Working Peoples Alliance (WPA).

Under the 1980 Constitution, presidential, parliamentary, and regional elections are to be held every 5 years. Municipal elections were scheduled for December 1986, the first time since 1970; however, the opposition boycotted the elections, alleging that they would not be fair since the ruling party controlled the electoral machinery. The unopposed candidates, including some political independents nominated by the ruling party, were declared elected, but no voting actually took place.

Since 1964, the PNC has dominated political life in Guyana through questionable electoral practices. Opposition parties and some civic organizations regularly charge fraud. The December 1985 elections were no exception, although it is widely believed that the PNC, with its well-established organization, entrenched incumbency, and divided opposition would have been victorious if other parties had made a contest. Two international monitoring organizations published findings which supported allegations of fraud. No international observers were allowed to monitor the 1985 elections, although the international press covered them.

Although Guyanese society and political life are influenced by strong differences between the Afro-Guyanese and Indo-Guyanese, peaceful racial coexistence prevailed in 1986. The ruling PNC draws its membership primarily from urban Afro-Guyanese. Nevertheless, the Government and the public sector include a significant proportion of Indo-Guyanese, Muslims, Hindus, and Christians. The police, the Guyana Defence Force (GDF), and other security forces are predominantly staffed by Afro-Guyanese, while Indo-Guyanese continue to dominate the agricultural and business sectors.

In 1986 Guyana's human rights climate continued to show improvement. Persons are free to pursue private interests, and rights to private property are generally respected. Social services, while limited in quality, are open to all citizens on a racially nondiscriminatory basis. The Government recognized the right of opposition newspapers to import newsprint and printing presses, and an independent, privately owned weekly began publication in December. Allegations of police killings and beatings were more frequently investigated, although with mixed results. The House of Israel, alleged to have been responsible for some past political violence, was effectively silenced.

The Government showed a surprising degree of intolerance of political criticism by expelling a Catholic priest and by attacking an Anglican bishop in the state-owned media for criticizing the conduct of the 1985 general elections. The Catholic Church has received some mixed signals: restrictions and delays were imposed on its foreign missionaries desiring to renew their resident visas, while permission was granted

for a new group, Sisters of the Missionaries of Charity, to enter the country.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no known politically motivated killings in Guyana. In October, David Hill, known as Rabbi Washington and leader of a sect called the House of Israel, together with three of his followers, were arrested for murder, convicted of manslaughter, and sentenced to 15 years in prison. In recent years, it has been widely alleged that the PNC utilized House of Israel members to commit acts of physical intimidation and even murder against government opponents.

b. Disappearance

There were no reports of politically motivated disappearances, clandestine detentions, or abductions.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by the Constitution, but there were allegations of torture by police. The 1985-86 Guyana Human Rights Association (GHRA) Report alleged six specific incidents of excessive use of force by police resulting in the death of individuals. GHRA also alleged that six prisoners were severely beaten by law enforcement authorities. In contrast to previous years, both the police and the courts investigated these allegations. GHRA, however, said the investigations, both by internal police boards of inquiry and before the courts, were inadequate. GHRA also charged that when inquests were held and a verdict of criminal responsibility made, no further action was taken. The police rejected the GHRA allegations but made no specific comments on the cases in question. In May the press reported the brutal torture of an Amerindian. Internal police investigations concluded that the three policemen involved had exceeded their authority and used unnecessarily excessive force. No decision has yet been made whether to bring charges against them. This particular case has been debated in the National Assembly. A jury acquitted a police corporal in a 1984 shooting death of a prisoner.

Prison conditions in Guyana are spartan. Prisoners' diets are considered inadequate, and overcrowding is a problem. In August the Government announced the allocation of the equivalent of US$325,580 for renovation of the Central Georgetown prison. So far, no work has begun.

d. Arbitrary Arrest, Detention, or Exile

Under the Constitution, no person may be deprived of personal liberty except as authorized by law. Individuals are not arrested, detained, or exiled for their political views. To date, no one has been officially detained under the National Security Act, which provides that persons suspected of crimes may be held up to 3 months without charge. In the past, government officials have sought to use the legal system for

political purposes through libel suits against their opponents.

Forced labor is not employed in Guyana. However, the law does permit the use of prisoners convicted of criminal acts in work crews under appropriate supervision. President Hoyte has terminated the policy of voluntary labor by civil servants for Hope Estate, a state-owned coconut plantation of the late President Forbes Burnham.

e. Denial of Fair Public Trial

Guyana maintains the British common law system and legal procedures. Half the lawyers and almost all members of the Guyanese judiciary were trained in the United Kingdom. The Constitution protects the right of anyone charged with a criminal offense to a hearing by a court of law, a right that is respected. Guyana has a functioning bail system and defendants are accorded fair public trials; they are represented by counsel, who are court appointed when necessary. Timely charges are presented, and appeals can be made to higher courts. There are no political prisoners or special courts for political security cases.

Some opposition lawyers complain that the judiciary is prone to grant an excessive number of lengthy postponements in trials affecting government or law enforcement officials; however, postponements are routinely granted to both the defense and prosecution. Delays in judicial proceedings reportedly are more often caused by shortages of trained personnel and materials.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government generally respects the right to privacy of citizens. There have been allegations of government surveillance of some political opponents.

It is widely believed that correspondence from overseas is opened. This occurs primarily for the theft of money forwarded by overseas Guyanese to relatives and does not appear to be the result of government policy. GHRA reported that body searches of incoming passengers at Timehri Airport have diminished, but the practice does continue. A prominent labor leader was recently subjected to a body search prior to leaving Guyana.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and press. However, the Government has direct and indirect control over the media through ownership of the country's only daily newspaper and only radio station and through import licensing of newsprint and printing presses used by other publications. Despite their small size, opposition weeklies engage in uninhibited criticism of the Government. Government opponents allege that the limited quantity of newsprint and the small size of these publications is tantamount to censorship. GHRA, among others, reports considerable improvement in this area, with the approval of import licenses for printing presses for the weekly Catholic Standard, the Mirror of the PPP, and the WPA's news sheets. President Hoyte has recognized the right

of the opposition press to receive gifts of newsprint from overseas and to establish a new weekly newspaper. A new independent weekly appeared in December; it is published in Trinidad and flown to Guyana.

Guayanese can receive printed materials from abroad without restrictions, but scarce foreign exchange generally is not made available by the Government for subscriptions to foreign publications. The Caribbean Contact, a monthly regional newspaper published in Barbados that is consistently critical of the Guyanese Government, is freely available and sold locally for Guyanese currency. Newsweek is the only international news magazine still sold for local currency. While Guyana does not have an official public television station, satellite television transmission from the United States is rebroadcast by two local businessmen. They also carry regular broadcasts of Cable Network News. Foreign and regional radio stations can be heard on mediumwave and shortwave.

The country's only radio station, Guyana Broadcasting Corporation (GBC), is highly selective in reporting the views and activities of opposition parties, although it reported on them more frequently in 1986 than in the past. Some of GBC's radio interview and commentary programs allow public criticism of the Government, but in general they faithfully reflect government policies. The Government still carefully controls information on its activities and operations.

The Government's record on academic freedom is good. Several opposition activists in the WPA and GHRA teach at the University of Guyana. Opposition parties have organized student groups there.

b. Freedom of Peaceful Assembly and Association

The Constitution guarantees this freedom, and in general it is observed. However, under the Public Order Act, police permits are required for open political meetings. At his discretion, the police commissioner can refuse permission for a meeting without explanation. In the past, opposition political parties have complained of delays in receiving permission from the police. GHRA cited five incidents where permits were denied or delayed.

Workers in Guyana are free to join unions and to strike. Every year the government-owned sugar industry is hit by a number of wildcat strikes; 1986 was no exception. The Government has the authority to declare any strike "political or illegal" but has not done so since the late 1970's.

The Guyana Trade Union Congress (TUC) is the sole national labor union federation; its 70,000 members and 24 affiliates constitute the entire unionized work force. TUC is responsible for centralized collective bargaining as the result of the controversial 1984 Labor Amendment Act, which gave the TUC, rather than individual labor unions, the right to bargain on behalf of workers. In March a court ruling on the constitutionality of the 1984 Labor Act struck down two provisions which designated the TUC as the sole bargaining agent for public sector workers and authorized the President to freeze and to set public sector wages. The Government won a stay of the decision pending appeal. TUC presents grievances to the Government and also referees interunion representation disputes. TUC also operates a labor college

and participates in international labor forums through its affiliation with the Caribbean Congress of Labour and the International Confederation of Free Trade Unions. Over half the TUC unions are either linked to or support the ruling PNC. Seven unions, including the two largest, are associated with the PPP, the WPA, or are politically independent.

Until September 1984, progovernment unions, which continue to have disproportionate voting power in electing the TUC executive board, dominated the TUC. At the 1984 annual TUC conference, dissident unions narrowly won control of the executive board, but the PNC regained strong representation in the September 1986 TUC election. Legal actions brought against unions which are in opposition to the Government appear designed to frustrate union activity.

Like the unions, trade associations, private organizations, and other professional bodies freely maintain relations with recognized international groups in their fields.

c. Freedom of Religion

The Constitution guarantees freedom of thought and religion, and there is complete religious tolerance in Guyana. Christians, Hindus, Muslims, and Baha'is are free to practice their religions without restriction. There is no favored or official state religion. In the past, foreign missionaries were permitted to enter the country to proselytize. In January 1986, Guyana expelled a British Jesuit priest, a long-time resident, apparently as part of a crackdown on foreign religious leaders and clergy who question the political system in Guyana. A Barbadian bishop who sought to incestigate the priest's expulsion was denied entry into the country. Other foreign Catholic priests seeking to renew their resident visas encountered bureaucratic delays and were only able to obtain limited extensions. Following the 1985 elections, the government-owned newspaper published personal attacks on Roman Catholic and Anglican bishops for accusing the PNC of election fraud and interference with the right of citizens to vote. The homes of Anglican and other Christian church leaders who had questioned the fairness of the elections were searched. Newspapers in the Caribbean, North America, and Europe published articles alleging repression of churches in Guyana. According to the GHRA, the commissioner of police subsequently wrote letters of apology, stating that the searches were unauthorized.

Despite the allegations of harassment of churches and clergy, in September the Sisters of the Missionaries of Charity, founded by Mother Teresa of Calcutta, were received by Prime Minister Hamilton Green and given permission to work in Guyana. In November President Hoyte attended the Triennial Anglican Synod held in Georgetown and hosted a reception in the bishops' honor.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement within Guyana is guaranteed by the Constitution and is permitted. However, since colonial times, travel to certain Amerindian areas requires government permission. Guyanese are free to travel abroad, to emigrate, and to return to Guyana. Occasionally, opposition politicians have been stopped and searched at the international airport, but GHRA reported that in 1986 the number of these searches

diminished. According to the United Nations definition of "refugee," Guyana is neither a refugee receiving nor generating country. There are no displaced persons, and citizenship is not denied on political grounds.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Guayanese freely express their political views and are free to join or support a variety of political parties. While these parties are able to voice their views through the publication of party newspapers, they do not have significant access to the government-owned media. In 1986 opposition parties complained that they continue to experience difficulties in obtaining police permission to hold political rallies. For over 20 years, former President Burnham, with the assistance of the PNC party machine, completely dominated Guyana's political, economic, and social life. On August 6, 1985, he died and was succeeded by then Prime Minister Hoyte. In December 1985, running as the PNC candidate, Prime Minister Hoyte was elected President in his own right.

After the 1985 elections, opposition leaders including the Communist PPP leader Cheddi Jagan joined forces to form the Patriotic Coalition for Democracy (PCD). The PCD together with the GHRA claimed the election was marred by ballot box stuffing and harassment of opposition poll watchers. GHRA charged in its 1986 report that the counting of votes was generally in the hands of the ruling PNC party. In contrast to the 1980 elections, all opposition members accepted their seats in the unicameral National Assembly.

Under President Hoyte, there have been several indications that a movement toward political reform and representation is in progress. The President has banned overseas proxy and postal voting, and preliminary voters' lists were provided to all political parties. In October he announced that municipal elections would be held in December. Subsequently the opposition decided to boycott the elections. All 91 of the PNC-nominated candidates, among whom were some political independents, were declared elected by default.

Constitutionally, all citizens 18 years of age or older are eligible to participate in the political process and to vote. Women have equal legal status. Opposition parties vigorously criticize the Government.

President Hoyte has appointed a number of Indo-Guyanese to ministerial and other government positions. Nevertheless race is still a factor in political life in Guyana, and parties are still basically organized along racial and ethnic lines, a situation that predates independence. Although President Hoyte is opening up the ruling PNC to other national groups, the party remains predominantly Afro-Guyanese. The largest opposition party, the PPP, is almost exclusively Indo-Guyanese. The WPA, which won its first parliamentary seat in 1985, has a multiracial collegial leadership.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government regards outside criticism of its human rights practices as interference in internal affairs. In 1986 the government-owned media continued to pay increased attention to

human rights matters, reporting more frequently on cases of police abuses and subsequent investigations.

GHRA is a nongovernmental organization formed in 1979 with support from trade unions, professional organizations, and churches. GHRA issues periodic press releases and publishes an annual report on human rights in Guyana. It gathers information from members, victims of abuse, trade unionists, churchmen, other interested parties, official documents, and newspapers. The association seeks to pressure the government to recognize human rights concerns and implement adequate structural reforms. It has been hampered in its campaign by not being able to document and detail its findings.

The Government strongly denounced GHRA's 1985-86 report which contained accusations of police brutality, excessive use of force, and discrimination against Amerindians. The Government's response to GHRA took the form of vehement denunciations of unspecified religious leaders. Anglican Bishop Randolph George, a copresident of GHRA, was subjected to repeated personal criticisms in the government-owned Guyana Chronicle. While denying GHRA's charges, however, the Government made no specific response to any of its allegations of wrongdoing.

Although the Government rejects outside criticism of its human rights practices, it has frequently criticized violations in South Africa and Namibia.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution prohibits racial discrimination and discrimination against women. Although women are found in limited numbers in all positions of employment, they continue to occupy traditional roles as homemakers.

There is no pattern of discrimination in housing, employment, education, or other social services. Education and medical care in the Georgetown hospital are free, although the quality of the services is poor. Guyana has a minority population of ethnic Amerindians, composed of nine tribal groups, living in scattered reservations throughout the interior of the country. Relative to most Guyanese, their standard of living is low.

The GHRA claims that Amerindian human rights are constrained through government control of their leaders, land titles, and access to their reservations by priests and other outsiders. However, due to the general poverty of the nation, the Amerindians seem to suffer more from neglect than any policy of active discrimination.

CONDITIONS OF LABOR

The legislative basis for regulation of conditions of labor is the Factories Act of 1947, enacted when Guyana was a British colony. By government policy but not by legislation, no one under 13 years of age can be employed outside the family. According to the Factories Act, no one under 14 can be employed in any factory (except for a family-owned operation that employs only family members) and no one from 14 to 17 can be employed to work between the hours of 6 p.m. and 6 a.m. The Ministry of Manpower has in practice so extended the law's original definition of "factory" that nearly all workplaces,

except for offices and rental shops, are now considered to be "factories." The Factories Act also provides the basis for government regulation of occupational safety and health standards. The 8-hour day is the norm. Office workers have a 40-hour workweek; factory and field workers have a 44-hour workweek. Workers are paid either by time or by task.

The Ministry of Manpower's enforcement of standards--whether legislative or government policy--in the workplace is severely limited by shortage of funds and shortage of qualified and appropriately experienced personnel at all but the senior levels.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GUYANA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	0.0	0.1	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.1	0.0
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.1	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.1	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.1	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.1	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.0	0.1	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.1	0.0
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	40.8	55.1	0.0	349.4
IBRD	0.0	0.0	0.0	79.4
IFC	0.0	1.7	0.0	3.7
IDA	0.0	8.8	0.0	47.3
IDB	40.7	44.1	0.0	196.8
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.1	0.5	0.0	20.3
OTHER-UN	0.0	0.0	0.0	1.9
EEC	0.0	0.0	0.0	0.0

HAITI

After months of mounting unrest, President-for-Life Jean-Claude Duvalier fled Haiti on February 7, 1986. This ended the hereditary dictatorship begun by his father, Francois Duvalier, in 1957. The National Governing Council (CNG) replaced Duvalier and is presently composed of three members: Lieutenant General Henri Namphy, President, Colonel Williams Regala, and Jacques Francois. On assuming office, the CNG suspended Duvalier's 1983 constitution and currently rules by decree. It has largely retained the inherited government structure while replacing most senior officials. The CNG at its inception stated that its primary goal was to oversee a transition to a freely elected government. To this end, it announced on June 7 a comprehensive program for building democratic institutions, to culminate in the inauguration of an elected president and legislature on February 7, 1988.

The CNG committed itself to the protection of human rights and the end of the systemic repression of the Duvalier regime. In one of its first acts, it freed all political prisoners. It also dissolved the Volunteers for National Security (VSN) or "Tontons Macoute," Duvalier's secret police. All defense and police functions are now performed by the Haitian armed forces, an integrated organization composed of army, navy, air force, and police elements.

The CNG has instituted basic freedoms of expression and association. The press now functions without restraint. Dozens of political parties have emerged, and Haitian politicians are attempting to build electoral support. The CNG has issued two decrees governing the press and political parties, respectively. Both decrees have been criticized as unduly restrictive, but in practice, press and political activity have flourished without hindrance by the Government.

Extreme poverty, a weak economy, and a deteriorating environment remain Haiti's most urgent problems. Haiti is the poorest country in the Western Hemisphere. Few social services are available to the average Haitian; a CNG goal is to improve living standards Economic reforms have reduced prices of certain staples such as gasoline and cooking oil.

Virtually all Haitians welcomed Duvalier's ouster and the new opportunities it provided. However, the CNG has moved only gradually to make changes many Haitians and other observers expected. Haitians have manifested their impatience in several periods of unrest since Duvalier's departure. Often stimulated by agitators, they have marched and demonstrated during these periods. There have been about a dozen deaths at government hands, generally during confrontations with police and military forces; approximately three soldiers and police also have died. While the Government has implemented positive human rights measures, incidents contrary to CNG policy demonstrate that further progress remains to be made, especially in the professionalization of the security forces.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for Integrity of the Person, Including Freedom from:

a. Political Killing

Since February 7, there is no evidence that the Government has singled out individuals and killed them for political motives.

However, there have been several instances where people have been killed during confrontations with government forces; government personnel acting in a private capacity also have exceeded their authority and killed people. The Government has investigated several such cases and has prosecuted in at least one of these.

The most serious incident occurred April 26 at Fort Dimanche, a military base and, under the Duvaliers, a political prison. Early that day, a commemorative mass took place to honor victims of a 1963 massacre by the regime of Francois Duvalier. Thousands of mourners then marched peaceably to Fort Dimanche where a confrontation developed between the few police officers present and a separate group of agitators. The police opened fire after rocks and other debris were allegedly thrown. Three persons were killed; four others died when an electrical line fell. The Government announced that it would investigate the tragedy. However, no report has been issued nor has anyone--police or agitator--been arrested. Another incident occurred February 26, when security forces shot and killed one person at the home of a former Duvalier regime official in Port-au-Prince during a curfew imposed because of unrest. The victim and about a dozen others were in the house when security forces arrived and, apparently with no explanation, began beating some of those present. On March 19, in a violent encounter in Port-au-Prince, gunfire from soldiers resulted in one to five deaths (the number is unknown). The Government issued a report on this incident late in 1986; this report did not find the Government at fault. On June 6, government security forces shot and killed a man in Port-au-Prince during a confrontation between protestors and government forces.

Army Adjutant Robesse Metellus was charged with killing a public transport driver in October. He was subsequently tried, convicted, and sentenced to prison.

Government security personnel have also been the victims of violence. One police sergeant was shot and wounded May 30 by demonstrators in Port-au-Prince. On June 4, an unknown assailant shot and killed a police sergeant. Neither case has been solved. A police station in the Cite Soleil slum was attacked September 19 and two police officers were killed. On October 1 and 2, the Armed Forces announced that three men had been arrested in connection with the attack and two others were being sought.

The Government has prosecuted several Duvalier regime security officials accused of murder and other crimes, and has charged, or said it would prosecute, about 20 others. On April 4, a court-martial sentenced a warrant officer to 1 year in prison at hard labor for having ordered the fatal beating of a Gonaives schoolmaster in 1985. An 18-day court-martial convicted Lt. Col. Samuel Jeremie of homicide May 30 and sentenced him to 15 years' imprisonment. Jeremie was found guilty of a 1984 murder and of mass killings in Leogane in January 1986. After a 15-hour trial in July, a 12-member jury convicted former secret police chief Luc Desyr of the murder of a man and his wife in 1985. Desyr was sentenced to death. He remains in custody.

On July 22, a court convicted Edouard Paul of the disappearance and death of Pierre Denis in 1969. Paul, the former director of the Government's literacy office and of the Duvalier political movement CONAJEC, was sentenced to 3 years'

imprisonment and fined US$180,000. The trial lasted 15 uninterrupted hours.

On September 11, two former secret police officials were convicted in absentia and sentenced to death as accomplices in two murders. The court also awarded the victims' estates US$400,000 damages. The Government has an extradition request before a Brazilian court for former police chief Albert Pierre so he can stand trial for multiple crimes.

b. Disappearance

In a widely publicized case, Charlot Jacquelin, a Catholic church literacy worker disappeared September 19. Witnesses said several civilians and one man in military fatigues took Jacquelin from his home to a police station, where they were met by eight men in blue police uniforms who took Jacquelin away. He has not been seen since. Jacquelin's disappearance sparked controversy and some unrest. Both civil and military officials denied any knowledge of Jacquelin's whereabouts.

The Government released 28 political prisoners on February 7. The whereabouts of several political prisoners from the Duvalier era, however, remain unknown. The Government maintains that all political prisoners found in prison were freed on February 7, and that any persons still missing must be presumed to have died in custody. Family members and associates of the missing continue to seek definitive reports from the authorities in each case. No such reports were issued in 1986.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Several persons complained they were physically abused by police when arrested at demonstrations. However, there is no credible evidence of torture or cruel, inhuman, or degrading treatment or punishment under the CNG. Prison conditions in Haiti are poor.

d. Arbitrary Arrest, Detention, or Exile

The CNG ended the arbitrary arrest and detention of political opponents. Under Haitian law, a person may be arrested or detained if apprehended during the commission of a crime or pursuant to a judicial warrant based on evidence justifying the arrest. In all cases not involving the actual commission of a crime or issuance of a warrant, the person arrested must be brought before a judge within 48 hours to determine if a legal basis exists for the arrest. If the judge so determines, the person may be detained for further legal process. Otherwise, he is released.

In addition to the laws governing arrests, Haitian law requires that a suspect be formally charged at least 2 weeks before trial. The law permits the accused to meet with an attorney immediately before trial, although defendants are often able to meet informally with counsel shortly after arrest. There is no public defender or bail system in Haiti; judges may, however, grant "provisional liberty" to a prisoner. A case may be brought before a jury or, in the case of military personnel, a court-martial. Defendants may appeal judgments within 3 days of conviction.

HAITI

The entire Haitian legal system is recovering from abuse and neglect during the Duvalier era, when it had little independence. In cases of arrest of political activists since February, the system appears to have operated generally in accordance with legal requirements. In October army units arrested three anti-CNG activists, apparently for disturbing the peace; all were released 3 days later on court orders. On October 6, military forces in Les Cayes arrested a prominent anti-Duvalierist on charges of being a public nuisance. He was later released, and no legal action against him is pending. Cap-Haitien police arrested a Catholic literacy worker in October. They notified Church officials promptly.

Except for those associated with Jean-Claude Duvalier who fled Haiti on or after February 7, there are no Haitian political exiles. Those exiled under the Duvalier regime have been invited by the CNG to return to Haiti; many have.

Forced or compulsory labor, other than prison labor, is not employed in Haiti

e. Denial of Fair Public Trial

Trials in the Jeremie, Desyr, and Paul cases were public and received full media coverage. Juries and courts-martial were properly constituted. The defendants were represented by attorneys, who themselves faced public criticism for taking the cases. In each trial, the accused confronted witnesses and was allowed to cross-examine them, through counsel, and to make statements on his own behalf.

The difficulties of conducting fair trials for Duvalier officials charged with murder and other crimes were demonstrated in April in the case of Adherbal Lherisson. Prosecutors could not begin his trial in Cap-Haitien because witnesses were unwilling to testify, and there was a problem of obtaining evidence in a case 2 decades old. Rioters then burned down the prosecutor's house and ran the defense lawyer out of town. The trial is still scheduled, perhaps with a change of venue.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There is no interference with individual privacy or the sanctity of the family, home, or correspondence.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The CNG has promoted free speech and press freedom. Public debate is robust. Criticism of the Government and its officials is prominent in all media, including the state-owned daily newspaper Haiti Liberee, Radio Nationale, and Television Nationale d'Haiti.

No journalists have made credible allegations of official censorship or intimidation. Twice, journalists at the state-owned media have implied or complained of CNG interference with editorial content. In neither case were the allegations substantiated.

There are several privately owned daily and weekly newspapers and radio stations and one television station. All have

criticized the CNG with no apparent interference from the Government. Church-owned radio stations are prominent in Haiti. The Catholic and Protestant churches operate Radio Soleil and Radio Lumiere, respectively. Both served as important sources of news and commentary during the last months of the Duvalier regime. Both continue to provide news, and their commentaries often are critical of the CNG. There is no indication that the Government has interfered with their operations.

Foreign publications are freely sold and distributed in Haiti. Several weeklies produced by Haitians in the United States and other once-prohibited foreign publications have become freely available in Haiti since the CNG assumed power. At least one U.S.-based publication has opened a local office.

On July 31 the CNG issued a comprehensive press decree which has been the target of intermittent public criticism. It does not appear, however, to have inhibited the press in any way.

b. Freedom of Peaceful Assembly and Association

The CNG permits freedom of assembly and association. Many political parties, human rights groups, and other associations have formed and become active. People have assembled publicly with little government interference since Duvalier's departure and have expressed many opinions, some highly critical of the CNG. The Government has, however, reacted with force when marches and demonstrations were believed to threaten public order or safety.

The Ministry of the Interior and National Defense issued regulations in May requiring groups planning marches to obtain permits from local police at least 72 hours in advance. Groups were required to designate marshals and coordinate marchers' security with the police. These regulations had little practical effect until early October, when police began enforcing them and put a stop to several unauthorized protests. Although the Government has generally allowed groups to demonstrate, it took forceful action in cases where marches threatened public order, increasingly so toward the end of 1986. In several instances there were deaths and injuries on both sides. According to the Government, excessive police and army use of force generally results from inexperience, overreaction, provocation, or lack of service discipline. The Government states that excessive use of force does not reflect its policy.

Dozens of political groups and parties have emerged since February 7. A few existed in Haiti under Duvalier but operated cautiously. Others were formed abroad by exiles and now function in Haiti. New parties range from paper organizations to a few which claim large and well-organized memberships.

On July 30, the CNG issued a political parties law guaranteeing the right of citizens to form political parties, and containing provisions governing the organization, registration, and functioning of parties. Reaction to the law has been diverse. Some politicians said they would comply with the law; others attacked one or another provision, or rejected it. In spite of this, the law does not appear to have inhibited political activity and in fact has served as an additional point for public debate.

HAITI

Many human rights, political, and other civic organizations have been active in Haiti since February 7. As with the political parties, they range from the ephemeral to relatively well-organized and sophisticated associations. Some groups have sponsored public conferences and seminars concerning human rights and democracy. The League of Former Political Prisoners organized two conferences in August and September on constitutionalism and human rights. In October, the International Institute of Haiti for Research and Development organized a seminar on the electoral process that featured election experts from several countries. These conferences and seminars have been conducted with no government interference.

Trade unionism is in its infancy in Haiti, even though the Duvalier labor code guaranteed the right of workers to organize unions and seek international affiliation. Today the leading union federation in terms of membership in affiliated unions is the Federation of Union Workers (FOS). By October 1986, 16 legally-registered and 6 unregistered unions were associated with FOS, which claimed an aggregate membership of 2,800. FOS is apolitical, concerned with traditional labor-management issues. It has worked with the International Confederation of Free Trade Unions (ICFTU). Two other trade union organizations operated in Haiti in 1986. One is the Autonomous Central of Haitian Workers (CATH/CLAT), affiliated with the World Confederation of Labor. Its membership is estimated at several hundred. The other organization is an offshoot of CATH/CLAT. Employer organizations joined to promote their interests with labor and government in the Alliance of the Private Sector for Development. Besides retaining the pre-existing labor code, the CNG issued two decrees bearing directly on labor issues. One created a mixed commission to establish wages when there is a labor-management conflict over pay scales. The second defines the circumstances under which a strike or lockout is legal.

Although the labor code and these decrees provide a framework for relations between labor, management, and government, organized labor's success in negotiations with management has been limited. In the period immediately after Duvalier's departure, there were many wildcat strikes. These strikes diminished as workers realized their expectations were sometimes unrealistic; retaliation by employers increased, and some ceased operations in Haiti. Some labor-management disputes were resolved or averted through intervention by labor union officials. Although strikes and walkouts decreased, disputes continued periodically. Several workers were fired illegally for legal union activity. In response, FOS in October appealed for help to ICFTU and the Inter-American Commission on Human and Trade Union Rights. Other labor organizations complained to labor and human rights groups outside Haiti. One typical case involved a worker who attended a labor training course in Washington sponsored by the American Institute for Free Labor Development, and was fired for that reason.

The Haitian Government's real commitment to fostering trade unionism remains to be demonstrated. Although legal mechanisms guarantee unions and workers various rights and privileges, employers wield much influence because unemployment remains high (estimated in the 50 percent range), resources are few, and investment is crucial to economic development. The Government has failed generally to enforce labor laws, often to the detriment of management as well as workers. For example, workers at one U.S.-owned plant went on strike following the

firing of a union leader. The government took no legal action against the workers or the company.

c. Freedom of Religion

Roman Catholicism is the official religion of Haiti and is embraced to varying degrees by about 75 percent of the population. Voodoo, a religion combining Christian and African animist elements, is also practiced by a majority of Haitians. All other religions are freely practiced by their adherents. The Government does not interfere with proselytizing, missionary activities, sects that affiliate with overseas coreligionists, or religious instruction and publishing.

After Duvalier's departure, elements of the rural population attacked many voodoo priests, reportedly because of their "pagan" beliefs and supposed VSN or Duvalier ties. Many were reported murdered. The Government was not involved in this activity and in several cases offered protection to those threatened.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government does not normally restrict domestic travel of citizens or foreigners. A sparse network of military checkpoints operates irregularly across Haiti, and foreigners and interurban transports are sometimes required to register before entering some towns. Police enforce this requirement much less rigorously than during the Duvalier era. There are no restrictions on persons changing their residences or places of employment.

Haitians are legally required to obtain passports and exit visas of limited validity before leaving the country. Reentry visas, obtained from Haitian consulates abroad, are theoretically required of those who have been out of Haiti for a long period; the requirement is not normally enforced. Travel documents are neither issued nor denied on the basis of political considerations. Expatriates are free to return to Haiti, and many regularly do so. The Government encourages skilled Haitian emigrants to return. Many have done so. Immigration officials at Port-au-Prince maintain and use a list of persons to be prevented from leaving or entering the country for criminal, security or other reasons.

Large numbers of Haitians continue to attempt to leave Haiti for economic reasons. Their primary destination is the United States. Pursuant to a 1981 U.S.-Haitian agreement on the interdiction of undocumented migrants, about 3,000 illegal migrants were repatriated to Haiti by the U.S. Coast Guard in 1986.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The CNG's stated purpose is to provide a transition to a democratic government. On June 7 it announced a calendar for political reform that will culminate in 1988. Intermediate steps include election of rural councils, an advisory "consultative council," and a constituent assembly to draft and present a new constitution for approval in a referendum; enactment of press and political parties laws; and municipal, local, legislative, and presidential elections, the last two in November 1987. The CNG completed all steps on schedule, with

no evident fraud or deception. Elections for rural councils took place in September. The Consultative Council assumed office on September 29 after elections earlier in the month. On October 19, a national election for members of the Constituent Assembly took place. The Assembly consists of 41 elected members, 1 from each voting district, and 20 members appointed by the CNG. Prior to the election, the CNG appointed 9 constitutional experts to write a draft constitution as a point of departure for the assembly. They began work in mid-October.

These elections did not arouse a great deal of public interest or participation. Observers attributed this to Haitians' inexperience with free elections, mass illiteracy, uncertainty about procedures, distrust of the CNG, and a lack of civic responsibility and participation by political parties and pressure groups. The Government did not provide clear instructions well enough in advance to give voters a good idea of the significance of and procedures involved in each election. Rudimentary voting procedures were employed. For the constituent assembly election, voting assistants helped illiterate voters indicate their choices, and marked their hands with indelible ink to prevent multiple voting. Observers estimate that only 5 to 10 percent of eligible voters actually cast ballots. Nevertheless, the Government, operating with little experience, few technical resources, and a cramped timetable, met its electoral commitments. That it did so in the face of multiple handicaps impressed many observers.

Politicians did little to encourage voter participation.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In December President Namphy met with the United Nations Human Rights Commission's Special Rapporteur on Haiti to discuss human rights developments. In addition, members of the CNG and other government officials met with representatives of Americas Watch and the Center for Electoral Promotion and Assistance, which is affiliated with the Inter-American Institute of Human Rights. The CNG has agreed to meet with the Organization of American States' Inter-American Human Rights Commission (IAHRC) in January 1987 to explore ways the IAHRC can support Haiti's democratic transition.

The Government has not interfered with Haitian human rights groups that have formed international connections. For example, the League of Former Political Prisoners sponsored a seminar in August with the participation of Amnesty International and the Academy of Human Rights of Mexico.

In October cabinet ministers participated in a workshop for the Formation of Promoters of Human Rights. This conference was sponsored by the Latin American Association for Human Rights and the National Haitian Commission for Cooperation with UNESCO, and featured participants from several countries.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The role of women in Haitian society is limited by tradition. Since 1982, there has been no legal discrimination between the sexes: women enjoy full rights in education, property, voting, and such social prerogatives as divorce. Particularly among

peasants, however, women are still confined to the traditional occupations of marketing, sewing, and housekeeping. Middle-class women comprise a large proportion of the work force and dominate secretarial, teaching, and nursing positions. In recent years, there has been progress in senior-level employment of women in the private sector. Greater opportunities are generally available to women in the government bureaucracy. There have been a few women occupying second level positions in the ministries in the last several years, even under the Duvalier regime. Women are well represented at the mid- and upper-level managerial ranks. A woman served as the mayor of Port-au-Prince in 1986, and the CNG has appointed women to several advisory bodies. Women may serve in the armed forces, however, only as nurses.

CONDITIONS OF LABOR

The labor code mandated a daily minimum wage that in 1986 was US$3.00 per day in Port-au-Prince and US$2.60 per day in the rest of Haiti. The minimum age for even limited employment was 12. Fierce adult competition for factory jobs ensures that child labor is not a factor in the industrial sector. Many children, however, especially young teenagers, work long hours in cottage industries for less than the minimum wage.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: HAITI

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	46.5	55.6	48.5
LOANS.....	11.0	15.0	0.0
GRANTS.....	35.5	40.6	48.5
A.AID	25.7	30.7	46.9
LOANS.....	0.0	0.0	0.0
GRANTS.....	25.7	30.7	46.9
(SEC.SUPP.ASSIST.)...	5.1	5.0	21.3
B.FOOD FOR PEACE.....	19.8	23.2	0.0
LOANS.....	11.0	15.0	0.0
GRANTS.....	8.8	8.2	0.0
TITLE I-TOTAL.....	11.0	15.0	0.0
REPAY. IN $-LOANS.....	11.0	15.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	8.8	8.2	0.0
E.RELIEF.EC.DEV & WFP.	0.1	0.6	0.0
VOL.RELIEF AGENCY.....	8.7	7.6	0.0
C.OTHER ECON. ASSIST...	1.0	1.7	1.6
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.0	1.7	1.6
PEACE CORPS.....	0.4	1.0	0.9
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.6	0.7	0.7
II.MIL. ASSIST.-TOTAL...	1.0	0.7	1.9
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.0	0.7	1.9
A.MAP GRANTS.....	0.3	0.3	1.7
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.7	0.4	0.2
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	47.5	56.3	50.4
LOANS.....	11.0	15.0	0.0
GRANTS.....	36.5	41.3	50.4
OTHER US LOANS.....	0.0	0.4	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.4	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	38.1	45.7	0.0	536.3
IBRD	0.0	0.0	0.0	2.6
IFC	0.0	0.0	0.0	3.2
IDA	19.1	32.1	0.0	256.4
IDB	17.4	11.9	0.0	220.4
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	1.6	1.7	0.0	40.0
OTHER-UN	0.0	0.0	0.0	13.7
EEC	0.0	0.0	0.0	0.0

HONDURAS

Honduras' return in 1982 to democratic, constitutional rule was consolidated in November 1985 by national elections, marked by over 80 percent voter participation. A new President, three vice presidents, 134 members of the unicameral National Congress, and several hundred municipal officials were elected for 4-year terms.

Honduras is among the economically least developed nations in Latin America. Although 1985 and 1986 saw inflation largely under control and positive economic growth, per capita income declined, and economic problems remain severe. Combined unemployment and underemployment exceed 50 percent of the work force. Honduras has a mixed economic system in which private sector economic production receives significant government and international support. A number of government-owned, autonomous agencies provide both goods and services; the public sector is the single largest employer.

In 1986 Honduras continued to feel the effects of civil strife in neighboring countries, including external efforts to promote subversion in Honduras. Honduran media reports cited figures of more than 150,000 refugees and undocumented aliens in the country, but informed estimates place the number closer to 80,000.

The Armed Forces are traditionally responsible for Honduran internal and external security. Closely linked to rural Honduras and to the economic middle class, they have generally supported the democratic process and broadly based social and economic development. Under the 1982 Constitution, the military services have substantial responsibility for decisions related to national security, although they remain under the authority of the elected government. The Public Security Force (FUSEP), a branch of the Armed Forces, serves as a national police force. Commanded by an army officer, it also has limited military capabilities.

Since taking office at the beginning of 1986, President Azcona, as well as the current military leadership, have publicly stressed the importance of observing and respecting human rights in Honduras. The nation enjoys a vocal political opposition, a free press, and a generally good human rights record. Although the Constitution stipulates various judicial rights, the administration of justice remains slow, uneven, and subject to improper political and other influences. A national program to improve the judiciary is being implemented with the assistance of the United States, and the judicial budget has been substantially increased for 1987. Problems remain, however, including the mistreatment of detainees and the incommunicado detention of accused persons for more than the 24 hours allowed by law.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There have been no substantiated accusations of politically motivated deaths since early 1984. The May 1986 shooting death of labor leader Cristobal Perez initially prompted charges of political assassination; subsequent evidence suggests his death resulted from a factional dispute within

the Honduran radical left. The discovery in July of several corpses in Tegucigalpa was accompanied by charges of death squad activity. Three men, reported to have been death squad victims in this incident, were later discovered alive when they were apprehended in the act of burying the bodies of three other alleged death squad victims. Police believe that the death squad allegations were designed to cover criminal activity. An alleged subversive died in October while in custody of the police. A subsequent police investigation corroborated reports that he was shot as he tried to overpower one of his guards.

b. Disappearance

There was no evidence to substantiate occasional public allegations of politically motivated disappearances. Human rights organizations continued to demand an accounting in 118 cases of alleged disappearance between 1974 and 1984. A 1985 Armed Forces investigative report stated that there was no information to substantiate the alleged disappearances. Three cases of alleged disappearance in 1981-82 are pending before the Inter-American Human Rights Court.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited under the law; however, physical and psychological mistreatment of prisoners does occur. Known abuses include beatings, humiliation, and at times more severe punishment. Prisons are crowded, and medical attention for prisoners is poor. Prisoners are allowed visitors during regular hours, and many depend on these visits for food and personal supplies. Due to the inefficiency of the court system, as many as one-third of those in prison at any given time have not been tried and convicted of any crime.

Extrajudicial confession is the most common basis for holding a prisoner. Judges may dismiss a case if it is determined the confession was forced. Police claim that this procedure encourages false allegations of torture. Nevertheless, the Government has acted to prevent such abuses. It fired the director of the Danli penal farm in July for physical abuse of prisoners, and suspended more than 20 FUSEP officers in San Pedro Sula over the course of 1986 for offenses that included mistreatment of detainees.

d. Arbitrary Arrest, Detention, or Exile

The judicial system remains cumbersome and often inequitable. Honduran law requires that a person be presented to a judge within 24 hours of arrest and that the judge decide within 6 days whether sufficient evidence exists to try the accused. In practice, these rules are not always followed. Persons accused of subversive or terrorist activities frequently are held incommunicado for several days or, at times, even weeks. The number of such abuses is believed to be small. In 1986 a continuing U.S. Government-supported Administration of Justice program trained Honduran police and judicial officials in an effort to address the many deficiencies and inadequacies present in the judicial system.

A writ of habeas corpus can be filed with the Supreme Court to locate a person believed to be detained. The courts and the FUSEP have been increasingly responsive to these writs.

Sentenced prisoners generally receive such privileges as conjugal visits, permission to produce merchandise for private sale, and liberal furloughs.

Forced or compulsory labor is not practiced.

e. Denial of Fair Public Trial

Honduran law provides for fair trial, although social and economic status are factors in the dispensation of justice. Detainees are allowed to contact lawyers, and bail rules are liberal. Public defenders are available in theory, but the system is not effective in practice. Although a new penal code went into effect in 1985, judicial guidance in implementing it has been minimal, and few substantive changes have resulted; a revised code of procedures, which also took legal effect in 1985, has yet to be published.

No secret tribunals exist, and the Government does not hold political prisoners as that term is used in these reports. In March the new Congress granted amnesty to 31 persons described locally as "political" prisoners. The Honduran penal code considers a broad range of criminal acts, when committed with political motives, to be crimes against the State. Persons convicted of such crimes are commonly referred to as "political" prisoners.

Supreme Court justices are appointed by the Congress for 4-year terms. The Supreme Court administers the court system and appoints all other judges, including justices of the peace. The Constitution provides for judicial independence, although the courts are subject to partisan political influences. In 1986 a political pact apportioned Supreme Court positions between the governing Liberal Party and the opposition National Party.

A positive development is the increased involvement of the Honduran Bar Association in the administration of justice. The Association was instrumental in explaining to the public the new penal code of 1985 and has sponsored regular seminars and forums on judicial issues.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government normally does not interfere with the private lives of its citizens. Citizens are free to affiliate, move, and live as they choose. Telephonic and written correspondence is generally free from monitoring, although wiretaps occur for criminal investigations and for national security purposes. Some officials and private persons have claimed that security forces monitor their movements but have not presented convincing evidence to support the allegations.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech, and the Honduran press prints all viewpoints. Local radio stations--there are over 100--broadcast numerous programs which allow free expression of opinion. The four television stations, which broadcast on nine frequencies throughout the country, are privately owned. Freedom of the press is widely

respected; both the newspapers and radio stations openly criticize the Government, the courts, and the Armed Forces without fear of reprisal. In August a bomb damaged the car of an outspoken radio commentator and led to charges of intimidation; responsibility has not been established to date. The offices of the conservative daily, La Prensa, sustained damage in a bomb explosion in late December; responsibility for that incident also has not been determined. Academic freedom is respected and student groups play a major role in the formation of university policy.

b. Freedom of Peaceful Assembly and Association

The Government recognizes the freedom to organize and demonstrate. Labor unions, political parties, professional organizations, students, and human rights groups regularly exercise this right. Labor unions enjoy a 35-year history and are independent, strong, and varied in political orientation. Most industries have unionized labor forces and workers are free to organize, bargain collectively, and to strike.

Honduras' trade union movement maintains close ties with international trade union organizations. The largest union group, the Confederation of Honduran Workers, is an affiliate of the International Confederation of Free Trade Unions. Second is the General Workers Central, affiliated with the Christian-Democratic World Confederation of Labor. The Unitarian Federation of Honduran Workers is a Marxist affiliate of the World Federation of Trade Unions. The 3 labor organizations claim to represent about 20 percent of all Honduran workers, including a substantial number of peasants and rural laborers.

Honduran labor and peasant organizations play an integral role in the political process. They routinely are consulted by the Government on issues affecting their interests and play a watchdog role in relation to the President, his Cabinet, and the Congress. Labor unions were actively involved in ensuring the honesty and fairness of the 1985 general elections. Union leaders regularly travel to international meetings, and several are members of the national Congress.

c. Freedom of Religion

Although predominantly Roman Catholic, Honduras has no state religion. All religions are welcomed, and missionaries operate in many parts of the country. Members of the clergy occasionally have been detained, but for alleged secular offenses only.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Hondurans freely travel within and outside Honduras. There are no permanent travel restrictions for Hondurans or resident foreigners, although national security concerns have led to increased police checks for personal identification, which by law must be carried at all times.

Exit visas are required to leave Honduras and constitute a form of control over international travel. They are nearly always granted without dispute unless the applicant is wanted in connection with a crime.

HONDURAS

The Government announced in March that Hondurans returning from Communist or Arab nations could expect to be questioned at length about their travels, and that any Honduran found to be involved with terrorist groups abroad would be prosecuted. The Government also announced that, for security reasons, citizens of all Communist and most Arab nations would need special permission to enter Honduras.

Attempts are under way to identify and to register the thousands of refugees--largely Nicaraguans and Salvadorans--in Honduras. According to media reports, Honduras hosts approximately 150,000 such persons. More informed estimates, however, place the number at 80,000. Some 49,000 persons, including 28,000 Nicaraguans and 21,000 Salvadorans, are registered as refugees and supported by the United Nations High Commissioner for Refugees. The Government allows these refugees to remain in Honduras without threat of involuntary repatriation. The Constitution guarantees the right to asylum, and Honduras maintains a tradition of granting political asylum in nearly any case in which it is requested.

Refugee experts generally consider the level of refugee assistance and protection to be good. The presence of Salvadoran guerrillas in Salvadoran refugee camps on Honduras' southwestern border, however, has been a source of intimidation and pressure, including efforts to recruit, divert relief supplies, and impede voluntary repatriation of refugees.

In 1986 tensions along the border with Nicaragua and military actions arising from the conflict between members of the Nicaraguan democratic resistance and elements of the Sandinista army prompted approximately 7,000 Hondurans to leave the border area. Some of these people were relatively recent settlers in this area and returned to their native regions in Honduras; others simply relocated away from the border. Reliable estimates placed the number of displaced families still within the immediate border area at 250 in October.

The Government--in cooperation with international aid donors--has made efforts to protect Honduran citizens in border regions and to assist them to relocate if necessary. The Government, however, has frequently indicated its inability to secure fully its border with Nicaragua.

Various media accounts during 1986 reported Honduran residents in the border area complaining that they had been victimized by troops allegedly belonging to the Nicaraguan democratic resistance. Complaints included allegations of property seizure, threats and intimidation, physical assault, and murder. There have also been charges of harassment and sporadic recruitment efforts directed at Nicaraguan refugees by elements of the democratic resistance. Leaders of the United Nicaraguan Opposition (UNO) have acknowledged that abuses have been committed within Honduras by members of their units, but they have declared themselves committed to prosecuting and punishing any member found to have engaged in abusive behavior. The recently constituted independent Nicaraguan Association for Human Rights also has declared its intention to investigate any charges of abuse made against resistance fighters or officials. As a result of inquiries from the Inter-American Human Rights Commission and other international agencies, the Honduran Government has recognized the need to respond to and investigate allegations of abuses

in its territory reportedly committed by both sides in the Nicaraguan conflict.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In November 1985, following an active and sometimes stormy political campaign, nearly 1.6 million Hondurans went to the polls to choose their next government in elections marked by popular enthusiasm for the exercise of democracy. Voting is mandatory and by secret ballot. The Constitution guarantees all Honduran-born citizens the right to hold office if they meet minimum age requirements; only members of the clergy and the Armed Forces are barred. The elections of 1985 were held under a temporary system patterned on that of Uruguay, in which the primary and general elections were combined. Under this system, the candidate with the most votes within the party that received the most votes was certified the winner. Most participants, including the victorious President Azcona, agreed that while the elections were free and fair, a more straightforward system was needed. Accordingly, Congress passed a reformed electoral law in October 1986 to provide for party primaries on the U.S. model before the next general elections, due to be held in 1989.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government cooperates with local and international human rights organizations, and the President frequently meets with visiting delegations of human rights activists from abroad. In response to allegations of attacks on the offices of The Honduran Human Rights Committee (CODEH) in August, President Azcona ordered a full-fledged investigation, which to date has been unable to determine the identity of those responsible or the reason for the attack. Honduran judicial officials frequently are hampered by poor recordkeeping when answering requests for information about specific cases, but refusal to assist international or nongovernmental inquiries is rare. Local human rights leaders and visiting members of international human rights organizations are quoted prominently and freely in the media.

CODEH operates freely and legally throughout Honduras. It is the country's largest and most active human rights organization. While claiming to monitor the Government's respect for human rights, it has at the same time engaged in partisan political attacks which are unrelated to human rights issues and which reflect CODEH's antidemocratic leftist orientation.

In publications distributed by CODEH in Honduras and the United States, and in interviews given by CODEH leader Dr. Ramon Custodio during his late 1986 visit to the United States, it was alleged that death squads operating in Honduras had murdered innocent citizens in July. CODEH also charged that a list of names circulated in Honduras during the summer was a "hit list" of Hondurans whose lives were in danger because they opposed Honduran and U.S. policies in the region. The Government stressed that both allegations were completely unsubstantiated and appeared to be willful exaggerations or misinterpretations for partisan political purposes.

In addition to CODEH and the Committee of Families of Disappeared Persons, the Honduran Bar Association and the national Congress have active committees monitoring the observance of human and civil rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution bans discrimination against citizens for reasons of race or sex, but cultural practices reduce the number of women occupying key positions in government and business. Education is freely available to women. Seven women are members of the National Congress. Legal discrimination against wives in domestic disputes exists. Attempts to remedy this are under way. Ethnic minorities--mostly blacks and small numbers of Indians concentrated on the north coast--enjoy legal equality, but some social discrimination continues to exist.

CONDITIONS OF LABOR

The Constitution and the labor code require that all labor be fairly paid and limit the hiring of children under 16 years of age. Although minimum wages, working hours, vacations, and occupational safety are regulated by law, such regulations are frequently ignored in practice. The daily minimum wage varies by occupation, ranging from $2.30 to $3.55 per day. There is no widespread pattern of wage discrimination against women in the work force, although some work commonly performed by women, such as domestic and secretarial jobs, is compensated at a generally lower rate than some manual labor performed by male workers. The standard work period is 8 hours per day and 44 hours per week. The labor code provides for a paid vacation of 10 workdays after 1 year and 20 workdays after 4 years. Despite violations of these laws by individual employers, workers' rights are generally respected, and strong labor unions exist to defend them. There is no evidence that the Government or any employers' association has attempted systematically to deny workers their legal rights.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: HONDURAS

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	95.0	229.0	117.0
LOANS.....	38.3	34.8	15.6
GRANTS.....	56.7	194.2	101.4
A.AID	71.0	204.6	111.8
LOANS.....	23.3	19.8	15.6
GRANTS.....	47.7	184.8	96.2
(SEC.SUPP.ASSIST.)...	40.0	150.2	66.5
B.FOOD FOR PEACE.....	20.2	19.4	0.0
LOANS.....	15.0	15.0	0.0
GRANTS.....	5.2	4.4	0.0
TITLE I-TOTAL.....	15.0	15.0	0.0
REPAY. IN $-LOANS.....	15.0	15.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	5.2	4.4	0.0
E.RELIEF.EC.DEV & WFP.	0.9	0.8	0.0
VOL.RELIEF AGENCY.....	4.3	3.6	0.0
C.OTHER ECON. ASSIST...	3.8	5.0	5.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	3.8	5.0	5.2
PEACE CORPS.....	3.8	5.0	5.2
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	77.4	67.4	61.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	77.4	67.4	61.1
A.MAP GRANTS.....	76.5	66.3	60.1
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.9	1.1	1.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	172.4	296.4	178.1
LOANS.....	38.3	34.8	15.6
GRANTS.....	134.1	261.6	162.5
OTHER US LOANS.....	0.2	2.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.2	2.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	154.3	16.5	38.0	1326.0
IBRD	19.6	6.9	37.4	547.6
IFC	0.0	0.0	0.6	11.0
IDA	0.0	0.0	0.0	82.6
IDB	134.1	8.4	0.0	648.8
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.0	1.2	0.0	29.7
OTHER-UN	0.6	0.0	0.0	5.3
EEC	0.0	0.0	0.0	0.0

JAMAICA

Jamaica is a constitutional parliamentary democracy with a mixed economy emphasizing the private sector. It is a member of the British Commonwealth. A Governor General, appointed by the Crown on the advice of the Prime Minister, represents the Queen, while the elected Prime Minister, the leader of the majority party in Parliament, is the country's chief executive. The Parliament is comprised of the elected House of Representatives (currently 60 members) and the appointed Senate of 21.

Two major political parties have alternated in power since the first elections were held in 1944. The Jamaica Labour Party's (JLP) leader, Edward Seaga, has been Prime Minister since November 1980. The Constitution requires that general elections be called at least once every 5 years; the last general election was held in December 1983. The People's National Party (PNP) boycotted that election and the JLP won all 60 seats in the House of Representatives. The next parliamentary elections must be held before March 15, 1989.

The PNP boycott created an unprecedented situation for democratic Jamaica. The JLP has attempted to compensate for the absence of an elected parliamentary opposition by appointing independent senators to the upper chamber and by enhancing opportunities for citizens to appear and address the House. Jamaica's nationwide elections for local parish council seats held in July 1986, in which the opposition PNP won a majority, were an affirmation that Jamaican democracy continues to function despite the anomalous situation created by the 1983 national parliamentary election.

The small, apolitical security apparatus comes under the Ministry of National Security and consists of the Jamaica Constabulary Force (JCF - police), the Jamaica Special Constabulary Force (JSCF), and the Jamaica Defence Force (JDF). The JDF includes an air wing and a coast guard and has regular and reserve elements. Since 1974, the JDF has been authorized to conduct joint operations with the JCF in order to maintain the peace under the Suppression of Crime Act.

In 1986 human rights generally were respected in Jamaica. Violent crime remains a major social problem, especially in the Kingston area. The use of excessive violence by the police in dealing with suspected criminals has been criticized in newspaper editorials, by Jamaican and U.S. human rights advocates, and by the Parliamentary Ombudsman and the Police Commissioner. Problems associated with the poorly trained, underpaid and overburdened police force continue to generate the country's most persistent human rights concerns.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Officially sanctioned murder of political opponents does not occur in Jamaica. At the same time, Jamaica suffers from a high level of violent crime, some of which has political overtones. Both major parties, as well as the Workers Party of Jamaica, which is Communist, have supporters who occasionally resort to violence in order to advance their

political agenda or to punish those believed to have harmed their party's interests. The legal system has not been effective in dealing with these cases because of a code of silence adhered to by suspects, victims, and witnesses alike, and because of the reluctance of the police to get involved in political disputes. Cooperation between the major parties to minimize violence made the island-wide 1986 local elections the most peaceful in many years.

b. Disappearance

There was no evidence of abduction, hostage-taking, or disappearances perpetrated by security forces. In most incidents where people disappear and are later discovered dead, the victims were involved in criminal activities or were suspected of being police informers.

c. Torture and Cruel, Inhuman or Degrading Treatment or Punishment.

The Government does not sanction or condone the use of torture. However, criminal suspects are often beaten or mistreated by police while being held in local police stations. Some individuals have brought suit successfully against the police for unlawful actions and the Government has had to pay damages.

Violence associated with the police, particularly the excessive use of lethal force in dealing with suspected criminals, continues to spark impromptu demonstrations in various communities. The problem of police violence receives frequent coverage and comment in the media. Both the Parliamentary Ombudsman and the National Police Commissioner have commented publicly on the need for qualitative improvement in police performance. More selective recruitment and better training are being stressed. The overall pace of reform, however, has been slow.

Lynching of criminal suspects by local inhabitants occurs with some frequency, especially in rural Jamaica. Such incidents are often reported in the media, but comprehensive nationwide statistics are not available. Victims of lynching are typically caught stealing crops or cattle or are suspected of housebreaking or rape. Prosecutions of vigilantes are rare.

Prison conditions in Jamaica are substandard. The Parliamentary Ombudsman reported that conditions have deteriorated further since 1984, when he released a study detailing the deplorable state of facilities and degrading conditions in the nation's jails. Overcrowding, unsanitary conditions, inadequate food and limited medical care for inmates are the primary problems in the island's two maximum security prisons and its many police stations. The Ombudsman said that conditions in police stations are worse generally than those in the prisons.

d. Arbitrary Arrest, Detention, or Exile

Under the Suppression of Crime Act, which has been extended for 6-month intervals since its adoption in 1974, security forces do not need a warrant to detain persons "reasonably" suspected of having committed a crime. Although the Act is conceived of as an extraordinary measure, security forces rely on it extensively. Detention of suspects without a warrant occurs regularly, particularly in poor neighborhoods. Almost all detainees eventually are released without being charged.

JAMAICA

Police must record the fact of a detention and are responsible for seeing that detainees appear before a justice of the peace within 24 hours. However, some detainees are held for 2 weeks or longer without being brought before a judicial officer as required by law. Many detainees are unaware of their right to a timely judicial review of the grounds for detention. The Jamaica Council for Human Rights reports that 90 percent of its daily caseload involves assisting people attempting to locate and gain the release of detained family members. The Council reports that in both 1985 and 1986, under the administration of the new Police Commissioner, supervisory officers have been more cooperative than in the past in providing information about detained persons.

For suspects charged with a crime, a functioning system of bail is available. Bail is set by the local police supervisor in minor cases, but a judicial officer sets bail for those suspected of more serious crimes. Individuals unable to make bail while waiting for a judicial hearing often are detained for lengthy periods. Outsiders are permitted access to the accused.

There are no political prisoners in Jamaica.

The Constitution does not specifically address the matter of forced or compulsory labor. However, Jamaica is a party to the International Labor Organization Convention prohibiting compulsory labor. There have been no allegations of this practice in Jamaica.

e. Denial of Fair Public Trial

The judiciary is independent. Persons who have been charged with a criminal offense have access to legal representation, and legal counsel is provided to indigents in criminal cases. The Court of Appeal and the Parliament may refer cases to the Judicial Committee of the Privy Council in the United Kingdom. The legal system is overburdened, and many cases take years to come to trial. In addition to the regular courts, the Gun Court was established in 1974 as an extraordinary means of dealing with violent crime. The Gun Court considers cases involving the illegal use or possession of firearms and ammunition. There are restrictions on public attendance and less stringent rules of evidence are used. In capital cases, hearings before the Gun Court serve as preliminary hearings to jury trials under the jurisdiction of the Supreme Court. The 1983 Gun Court Amendment Act eliminated several of the special exceptions to normal judicial rules and procedures which had applied to the Gun Court. A committee of senior judges continues to review and revise the sentences of persons given life terms prior to the adoption of the Gun Court Amendment Act.

Intimidation of witnesses in criminal cases is a chronic problem hampering criminal prosecutions in Jamaica. Jurors also have reported receiving threats from associates of criminal defendants. Some convictions have been obtained for such attempts to subvert the judicial system, and the police will provide assistance to any witness who requests protection.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits arbitrary intrusion by the State into the private life of the individual. Individual rights

are protected. Under the Suppression of Crime Act, search warrants are not required to enter homes or businesses when a crime is "reasonably" suspected of having been committed by an individual in such a location. This authority is sometimes abused by the police, especially in poor neighborhoods. Regulations approved by Parliament in 1980 require that every effort be made by security forces to have the owner or occupant of the premises present during any search.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press are guaranteed in the Constitution and are observed in practice within the broad limits of libel laws and the State Secrets Act. There is no censorship or interference in academic studies. Jamaica's principal privately owned newspaper, The Daily Gleaner, has been critical of Jamaican governments through the years. Several small newspapers and magazines are also published. Foreign publications are widely available. The government-owned and operated Jamaica Broadcasting Company (JBC) includes two radio stations and the island's only television channel. The officially owned television and radio networks often have been accused of bias in favor of the Government by whichever party is in opposition.

The only other broadcasting company is privately owned Radio Jamaica (RJR). Although the Government owns stock in RJR, the company is independent and its networks are often critical of government policies. A new media policy, announced in 1985 by the Government, will provide for one privately leased television channel and one channel for public programing. Under this policy, the Government also promised to lease out some of the JBC radio broadcasting facilities.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly and association are guaranteed in the Constitution. A large variety of professional groups and private associations function freely. Public demonstrations and rallies are staged by all political parties; such events require a police permit, which is usually granted. The nationwide local elections held in July were preceded by many large public rallies held by both major parties.

Freedom of association includes the right to join a trade union. The Labor Relations and Industrial Disputes Act (IRIDA) of 1975 sets forth workers' rights regarding union membership and collective bargaining. No worker is compelled to join a union as a prerequisite for employment, and union membership is not compulsory when employment is found. Unions are free to elect their own representatives, draw up their constitutions, and determine their action programs. Jamaica's major unions are affiliated with the democratic International Confederation of Free Trade Unions and the Caribbean Congress of Labour. The small Independent Trade Union Action Council and several industrial federations are affiliated with the Communist World Federation of Trade Unions.

New amendments to the IRIDA were passed in 1986. One allows the Minister of Labour unilaterally to refer a dispute to the Industrial Disputes Tribunal if he determines that the dispute is causing harm to the national interest. Unions charge that the legislation works against free collective bargaining.

JAMAICA

Jamaica has several strong trade unions which are among the most active organizations in the country. The two major unions, the Bustamante Industrial Trade Union (BITU) and the National Workers Union (NWU), are affiliated with the ruling JLP and the opposition PNP respectively, although the BITU and the NWU can and do act independently of the parties. There are approximately 100 registered trade unions but only about 20 are active.

There is no right to strike in either common or statutory law. In practice, however, the freedom to strike exists, and Jamaican workers have consistently exercised it over the years. There have been differing legal rulings on the "right to strike." Workers may exercise their "freedom" to strike and be immune from criminal liability. There is no parallel guarantee that striking workers will retain their jobs.

Jamaican labor laws are applicable to both domestic industry and export free trade zones. There have been continuing complaints from workers at the Kingston Export Free Zone about forced overtime, inadequate eating facilities, and dismissal without notice. Ministry of Labour officials indicate that legal requirements for working conditions are adhered to in the Free Zone, while conceding the need for more employee facilities. Only 2 of the 17 companies operating in the Kingston Export Free Zone have union representation.

c. Freedom of Religion

Freedom of religion is guaranteed by the Constitution and is well established in Jamaica. A great variety of religious groups and cults operate freely. More than 80 percent of the population belongs to one of several Christian denominations represented on the island. Evangelical Christian movements have gained increasing followings in recent years, and foreign evangelists visit Jamaica freely and regularly to preach.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution guarantees Jamaican citizens freedom of movement, the right to reside wherever they choose, and immunity from expulsion from the country. There are no restrictions on foreign travel or emigration. Citizenship is not revoked for political reasons.

Jamaica does not have a declared general policy on refugees, but rather deals with them on a case-by-case basis. The country does not often accept asylum seekers, primarily for domestic economic reasons. Jamaica is a party to the 1951 United Nations Convention and Protocol Relating to the Status of Refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

The Prime Minister and his Cabinet of Ministers exercise executive power. The executive usually takes the initiative in legislative matters and is responsible to the House of Representatives. The Constitution requires that an election be held not later than 5 years after the first sitting of Parliament; the Prime Minister can call national elections anytime within that period.

JAMAICA

Beginning in August 1983, a periodic reenumeration of all individuals of voting age commenced. In December, prior to completion of the reenumeration, Prime Minister Seaga called a snap election. The PNP boycotted the election, complaining that the JLP previously had agreed not to call new national elections until voter lists had been updated. As a result of PNP nonparticipation and the failure of any of the 7 third-party candidates to win election, the JLP took all 60 seats in the House of Representatives. Jamaica consequently has a one-party House but is not a one-party state. The 1983 election was constitutional and conformed to all relevant laws, but the PNP has continued to question its legitimacy. The Government has thus far resisted calls for new elections before the expiration of its term in 1988.

Parliament postponed nationwide local elections, held to fill seats in parish councils, until July 1986. These elections were to have been held in July 1984, but disputes over a reduction in the number of council seats and a redrawing of local constituency boundaries caused the delay. Despite the fact that parish councillors have little real authority and no control over public funds, the elections were bitterly contested by both major parties. The campaign focused on national, not local issues, and both parties expended considerable money, effort, and prestige during its course. The leaders of the PNP and the JLP, Michael Manley and Edward Seaga respectively, campaigned vigorously. The PNP received 57 percent of the vote; the JLP, 43 percent.

The July local elections amply demonstrated that despite the unprecedented situation caused by the one-party Parliament, the democratic tradition remains strong in Jamaica. All parties operated freely and had opportunities to state their positions at rallies and in the print and electronic media. The elections were also noteworthy for the absence of widespread violence that marred previous elections. However, notwithstanding a joint appeal by party leaders Seaga and Manley to their followers to refrain from violence, three persons were killed.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In September 1986, Americas Watch visited Jamaica to investigate alleged systematic human rights violations by the Jamaican police. It commended the Government's cooperation and openness during the investigation.

While the Commissioner of the JCF and the Minister of National Security criticized the resulting report for being biased, the Government recognized and is acting on the need for signficant improvement in the professionalism and discipline of the JCF. Subsequent to the Americas Watch report, a senior JCF commissioner was assigned to try to ensure better respect for human rights by the police.

There are no restrictions on human rights organizations in Jamaica. The Jamaica Council for Human Rights (JCHR), the only independent human rights organization, has been vigorous in citing police abuses and calling for police reforms. The JCHR is active on a number of international human rights issues, especially the treatment of blacks in South Africa. The Government is a strong advocate of human rights in international forums. Jamaican leaders including Prime

JAMAICA

Minister Seaga and Foreign Minister Shearer have spoken before regional and international bodies in opposition to apartheid.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Jamaican women are accorded full equality under the Constitution, and the 1975 Employment Act guarantees them equal pay for equal work. The legal status of women is reflected in the number of influential positions they hold in the civil service and the Government. Nevertheless, because of cultural and social values, women often suffer economic discrimination. This discrimination frequently evidences itself in hiring practices. Access to higher paying jobs and positions outside traditional "female" areas is limited. The higher-paying senior positions in business and commercial areas are still predominantly held by men. The 1975 Act has helped to narrow the gap between men's and women's salaries, but disparities remain.

The Government has a number of programs to help women and has created a National Advisory Committee for Women's Affairs. Family law reforms based on a report from the Family Law Committee set up in 1975, however, have not been acted upon by Parliament.

CONDITIONS OF LABOR

The Government's wage policy is based on freely negotiated settlements. New minimum wages were introduced in January 1985.

A Juvenile Act provides that no child under age 12 shall be employed except by parents or guardians. Such employment can only be in domestic, agricultural, or horticultural work. Children under age 12 cannot be employed at night or at any industrial site. Despite the laws on child labor, children under 12 are often seen peddling goods and services on the streets.

Under the Factories Act, all plants must be registered and approved by the Ministry of Labour before they can begin operations. The Ministry's industrial safety division is required to make yearly inspections of all facilities. In practice, because of budget constraints, these site inspections often are not performed. The Ministry has no authority to oversee private sector work sites and other places of employment which do not meet the statutory definition of a factory. Other acts of Parliament establish minimum standards for working conditions.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: JAMAICA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	110.0	158.2	89.0
LOANS.....	96.4	114.4	8.0
GRANTS.....	13.6	43.8	81.0
A.AID	87.6	115.2	84.6
LOANS.....	76.4	74.4	8.0
GRANTS.....	11.2	40.8	76.6
(SEC.SUPP.ASSIST.)...	55.0	81.0	58.6
B.FOOD FOR PEACE.....	20.5	40.4	0.0
LOANS.....	20.0	40.0	0.0
GRANTS.....	0.5	0.4	0.0
TITLE I-TOTAL.....	20.0	40.0	0.0
REPAY. IN $-LOANS.....	20.0	40.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.5	0.4	0.0
E.RELIEF.EC.DEV & WFP.	0.1	0.3	0.0
VOL.RELIEF AGENCY.....	0.4	0.1	0.0
C.OTHER ECON. ASSIST...	1.9	2.6	4.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.9	2.6	4.4
PEACE CORPS.....	1.8	2.4	2.6
NARCOTICS.....	0.0	0.0	1.5
OTHER.....	0.1	0.2	0.3
II.MIL. ASSIST.-TOTAL...	4.2	7.7	8.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	4.2	7.7	8.0
A.MAP GRANTS.....	4.0	7.4	7.7
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.2	0.3	0.3
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	114.2	165.9	97.0
LOANS.....	96.4	114.4	8.0
GRANTS.....	17.8	51.5	89.0
OTHER US LOANS.....	1.9	0.6	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	1.9	0.6	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	131.2	88.6	4.7	1138.9
IBRD	44.6	64.0	0.0	693.4
IFC	0.0	10.8	4.7	32.3
IDA	0.0	0.0	0.0	0.0
IDB	85.8	8.5	0.0	382.5
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.7	1.3	0.0	24.9
OTHER-UN	0.1	0.0	0.0	1.8
EEC	0.0	4.0	0.0	4.0

MEXICO

Mexico is a Federal Republic which has been dominated by the Institutional Revolutionary Party (PRI) since 1929. Periodic political reform has expanded the opposition's role and stake in the political system. PRI has, nevertheless,continued its preponderant political control throughout the Republic through a combination of voting strength, organizational power and, some opposition parties and observers allege, by electoral fraud.

Mexico has a "mixed economy," which combines elements of domestic market capitalism with state ownership of major industries. Through a program of divestiture of some parastatals, the Government may be increasing the role of the private sector in the economy.

The 1917 Constitution stipulates that powers be divided among a bicameral legislature, a judiciary, and an executive. The President's powers, however, far outweigh those of the other branches in Mexico's highly centralized system. Despite the tendency toward centralization of authority, municipal, state and federal police exercise authority only in their respective areas of jurisdiction.

A high degree of individual freedom, regardless of race, creed, color or sex, is both guaranteed by Mexico's 1917 Constitution and honored in practice. Freedom of association is demonstrated by the existence of numerous political parties as well as civic associations. Freedom to pursue private interests and hold private property is virtually unrestricted for Mexicans.

Mexico is currently experiencing human rights difficulties principally but not exclusively in those areas of law enforcement involved with drug trafficking. Human rights violations have occurred in some instances, including torture, to which U.S. Drug Enforcement Administration Special Agent Victor Cortez was subjected in August in Guadalajara. In addition, the perennial rural conflicts over title to land continue to result in the deaths of peasants who confront local landowners and their employees. While serious human rights abuses continue in a number of areas, the Government has taken steps to improve the human rights situation.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

In Mexico's rural states, especially Oaxaca, Chiapas, Veracruz, Hidalgo, and Guerrero, disputes over land take place and violence sometimes occurs. The Federal Government is continuing its efforts to curb such violence. Attorneys General from the various states meet frequently with national law enforcement and Secretariat of the Interior officials to pursue this goal. Local municipal leaders, especially those beholden to influential private landowners, allegedly place a low priority on the protection of human rights.

During 1986 peasant organizations charged that at least 42 peasants were killed in confrontations in the above states. Such charges have come not only from independent peasant organizations, but also from the PRI-affiliated National

Confederation of Peasants (CNC). The independent groups attribute the killings to persons employed by local landed political bosses (caciques), as well as to members of the CNC and to local police. For its part, the CNC blames fatalities in its ranks to independent unions, encouraged, it says, by leftist political activists. Others, however, suggest that most CNC casualties stem from internal CNC power struggles.

Amnesty International detailed various alleged instances of political killings in Oaxaca and Chiapas in its May 1986 publication, "Mexico: Human Rights in Rural Areas." In its official response to Amnesty's charges, the Mexican Government was critical of what it said was false reporting. The Government asserted its willingness to investigate fully those allegations which are substantiated with details. As an example of government efforts to curb rural violence, on January 3, 1987 the private Committee for the Defense of Human Rights in Jalapa announced that a powerful landowner in the northern mountainous area of Veracruz, Luis Mendoza Rivera, had been placed in prison and was to be held answerable for incidents of rural violence which allegedly took place in December.

b. Disappearance

In 1986 Federal Deputy Rosario Ibarra continued to focus attention on Mexico's disappeared, especially those from the administrations of former Presidents Echeverria (1970-76) and Lopez Portillo (1976-82). She claimed that of the 59 persons who had apparently disappeared for various periods during the current administration, 11 remain unaccounted for.

The Committee in Defense of Prisoners, the Persecuted, Disappeared Persons and Political Exiles of Mexico, a local human rights organization, stated at the end of 1986 that, since the beginning of the administration of President Miguel de la Madrid, there have been 21 disappearances of persons whose whereabouts remain unknown. For each year they are as follows: 1982, 7; 1983, 6; 1984, 5; 1985, 2; and 1986, 1. Of the 21 alleged disappearances, 11 involved residents of the Federal District, 4 of the state of Mexico, 1 of Morelos, 3 of Puebla, 1 of Tamaulipas and 1 of Veracruz. The single disappearance in 1986 counted by the Committee was that of Gerardo Lopez Chavaria, a 28-year-old teacher who allegedly disappeared in the Federal District in January 1986. The Committee states he was taken from his home by agents of the Federal Security Directorate. The Federal Government has responded to the committee's allegation, stating that it believes Lopez was kidnapped by narcotics traffickers. Lopez's father discounts the government's allegation.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Although torture is prohibited by the Constitution, human rights organizations continue to charge that law enforcement officials employ psychological and physical abuse, most often in the period immediately following arrest and especially during interrogation.

The Attorney General of Mexico has stated that the use of torture to extract confessions is an illegal and unacceptable substitute for investigative work. Accordingly, the Administration has recruited new personnel into the various police forces and emphasized education and training in

legitimate investigative skills. In addition, the Attorney General's Office has contracted with human rights organizations to provide courses designed to sensitize law enforcement personnel to the need to respect human rights.

In June Mexico stiffened the penalties against officials who have used torture. Under the new law, jail sentences of up to 10 years and fines of up to 18 months' salary per offense can be imposed. As there were no known cases of the new law being applied to a specific case as of the end of 1986, its efficacy cannot yet be determined.

On August 13, U.S. Drug Enforcement Administration Special Agent Victor Cortez was arrested by Jalisco State Judicial Police, interrogated and tortured over a period of several hours. He was blindfolded, severely beaten, and subjected to electric shocks. In responding to a U.S. Government protest note, the Mexican Government justified the arrest of Cortez, while not directly addressing the issue of torture. Subsequently, 11 members of the Jalisco police were charged in conjunction with the torturing of Cortez. In response to a formal request from the Mexican Government, the U. S. Government has identified a U.S. Court before which Cortez is ready to give a statement and answer questions concerning his mistreatment. Cortez has taken certain legal steps as agreed to by Mexican authorities for the purpose of filing the complaint so that the Government of Mexico can proceed with the case.

In 1986 the U.S. Embassy in Mexico City lodged formal diplomatic protests with the Mexican Government concerning the cases of 11 American citizens, including Cortez, who stated that they had been physically mistreated while in the custody of Mexican Law Enforcement Officials. In an additional 77 cases, Americans reported mistreatment but requested the Embassy not file formal protests on their behalf. The allegations of mistreatment made by the Americans included denial of food and water, being forced to kneel on rocky ground, being blindfolded, and being beaten and tortured with electric cattle prods. Mexican officials have been responsive to official protests and inquiries in many cases, but in some instances have failed to respond to inquiries, and abuses have continued. Furthermore, on several occasions local police authorities have neglected to inform Embassy officials of arrests of American citizens on several occasions.

Prisons are overcrowded, and there are complaints about lack of trained personnel, a high turnover rate of both prison staff and administrative personnel, and corruption among prison officials. Since the current administration took office, reforms have been carried out in the prisons of the Federal District, and new prison construction has taken place.

d. Arbitrary Arrest, Detention, or Exile

Mexican citizens are guaranteed the right of Amparo, a constitutional protection provided against "coercive and abusive acts of authority." Incidents of arbitrary arrest and imprisonment occur most frequently in criminal cases. The Mexican Senate has recently approved reforms to the amparo system, establishing categories of persons who would automatically be granted amparo petitions.

In the state of Guerrero, several peasant groups have charged that the Governor is utilizing the Army to conduct "sweep

checks" of villages and to arrest any opposition figures or activists they locate. The Government has responded that, due to criminal activity in the mountains of Guerrero and neighboring states, such measures are required to protect the public. Groups of farmers briefly occupied the Danish, Greek, Portuguese, and Swedish Embassies in Mexico City in April to protest the alleged illegal detention of peasant activists and to call attention to their complaints against the Government.

Human Rights activists allege that there are currently 130 "political prisoners" in the country, the majority arrested in disputes over land, some of whom have been held for extended periods. The Government has consistently denied that it holds political prisoners. For example, officials point out that in the state of Chiapas seven persons listed among these political prisoners are charged with terrorism, criminal association, and damage to property, all violations of the state penal code. The Government maintains their arrest was under warrant and that they have had the opportunity to file for relief under the amparo process. Legal procedures against them are still in process. In many such cases, especially those involving land tenure, persons termed political prisoners are, according to the Government, actually guilty of common crimes.

There are legal prohibitions against forced or compulsory labor. There are reports that, in remote areas where illegal drugs are cultivated, campesinos and indigenous peoples have been forced to labor for drug traffickers.

e. Denial of Fair Public Trial

Under the Constitution, trial and sentencing must be completed within 12 months of arrest for crimes that would carry at least a 2-year sentence. Despite efforts at reform, this standard is often not met because of delays caused by cumbersome court procedures and case backlogs.

The political opposition alleges that the judiciary, with judges placed in office by renewable appointments, is dependent on the executive branch. The Government denies that personal political beliefs have any bearing on the impartial administration of justice. However, factors such as low pay for judges and law enforcement officials and high caseloads contribute to widespread corruption in the judicial system.

As in most civil law systems, trial by a judge is favored over trial by jury. Defendants have a right to counsel and public defenders are available.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Article 16 of the Constitution guarantees the privacy of individuals. Although the Government generally does not intrude on this right and search warrants are required by law, opposition political figures believe their movements are monitored. In conflicts over land titles, peasants and urban squatters have charged that local landowners, accompanied by police, have entered their homes without appropriate judicial orders, and that these incidents are sometimes accompanied by violence.

MEXICO

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and of the press is guaranteed by law. During the course of the current administration, the Government has appeared to tolerate more direct public criticism, and bolder press articles have appeared. Mexico's press is a primary source for reporting allegations of human rights violations.

Despite the trend towards press liberalization, the Government closed the magazine Impacto in May on the grounds of alleged pornography. Impacto had been outspokenly critical of the Government. The magazine later resumed publication under new ownership, and appeared careful to avoid criticism of the Government and the PRI.

According to the media, during 1986 several journalists died violently or under suspicious circumstances in which retaliation for coverage of local problems may have been a motive.

Jose Luis Nava Linda, editor of the Guerrero periodical Expresion Popular, was allegedly assassinated in May shortly after running a series of anti-PRI articles. Court records indicate that the victim quarrelled with Javier Ibanez and that Nava was shot while attempting to draw his own gun on Ibanez. Ibanez was arrested for homicide in June and an interim prison sentence was handed down July 4. However, he appealed and on August 25 the sentence was revoked.

In Matamoros, Tamaulipas, Ernesto Flores and Norma Moreno, respectively editor and reporter of the newspaper El Popular, were killed by unknown gunmen in July. Their publication was noted for highly personal but apparently documented attacks on local officials. The investigation under the direction of the head of the State Judicial Police is continuing.

In October, Sinaloa reporter and columnist Odilon Lopez Urias was found dead after having been kidnaped 2 days before by eight armed men. Lopez was well known in Sinaloa for his reporting on various drug and criminal figures in the state and for his contentions that government figures were involved in drug trafficking.

In February Carlos Loret de Mola, a former governor and a political columnist for Excelsior newspaper, died in an automobile accident in the state of Guerrero; officials report his car went over a cliff on a dangerous stretch of highway. However, based on anomalies in the chronology of events, doubts persist whether De Mola actually died in the accident or if it was staged after his death.

Jorge Brenes, a newspaper publisher in Reynosa, was killed in July by two men. The motive is unknown but there is speculation the murderers were hired.

b. Freedom of Peaceful Assembly and Association

The Constitution grants the right of peaceful assembly for any lawful purpose throughout the country. A government permit is generally required for major demonstrations. Within the Federal District, opposition political groups, as well as peasant and indigenous organizations, are allowed frequent

access to both main boulevards and the city's large central square for demonstrations. In rare instances, unauthorized marches, sit-ins, and other forms of protest are broken up forcibly by police and security forces, especially outside the capital. However, even this type of demonstration is usually tolerated.

Basic trade union, worker, and employer rights are protected under Mexican law. The rights of workers to organize trade unions, to bargain collectively, and to strike are guaranteed in Article 123 of the Constitution.

Mexico has a multiplicity of trade union organizations, most but not all of which are affiliated with the PRI. By far the largest of these are Mexican Workers Confederation (CTM) and the Federation of Government Workers Unions (FSTSE), which includes most government workers. The CTM and FSTSE, along with smaller federations and independent but PRI-affiliated unions, all belong to a loose umbrella labor organization known as the Congress of Labor. Independent unions outside the Congress of Labor, some with a conservative orientation and others of a pronounced leftist or radical orientation, also exist. The majority of organized peasants belong to the PRI-affiliated CNC.

Unions in Mexico are permitted to maintain relations with recognized international labor bodies. The CTM is affiliated with the International Confederation of Free Trade Unions (ICFTU) and is a leading member of the ICFTU's Interamerican Regional Organization of Workers, headquartered in Mexico City. The CTM always provides the Mexican Worker delegate to the International Labor Organization .

A number of Congress of Labor independent unions are also affiliated with various international trade secretariats. The Communist World Federation of Trade Unions' regional Interamerican Organization maintains its headquarters in Mexico City.

c. Freedom of Religion

Under the Constitution, individuals are free to practice the religion of their choice. However, no religious body has legal standing. The Constitution prohibits the clergy from participating in politics, voting, owning real estate, or wearing religious habits in public. Some of these prohibitions are not strictly enforced; neither is a constitutional restriction against pre-university religious schools, many of which exist.

A law passed in 1986 subjects clergy to stiff fines if they are found guilty of inducing the electorate to vote for or act against a candidate or foment abstention and disorder. Mexico is predominantly Roman Catholic. Protestant, Mormon, Jewish and other religious communities also exist and are free to practice their forms of worship. Protestant evangelists and Mormons, principally from outside Mexico, are active and especially successful in certain rural, largely indigenous communities. Some critics have stated that the Government is selectively enforcing the anti-clerical laws in favor of the predominant Roman Catholic Church. Other critics have asserted that, in some outlying areas, the laws are not being enforced against the evangelists so as to reduce the influence of the Catholic Church.

Catholic and private educators have criticized the Government for forcing them to use government mandated textbooks in religious and private schools. Critics have complained of the textbooks' treatment of businessmen and free enterprise.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement within and outside the country is unrestricted, except for some areas along the Guatemalan border which have been closed to the public by the military. Mexico has traditionally followed a liberal asylum policy concerning Central American refugees and asylum-seekers from other countries.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Since 1929 Mexico has been ruled by the PRI, the dominant party. To secure its continuance in power, the PRI has relied on extensive public patronage, massive government and party organizational resources and, opposition parties charge, electoral fraud in all contests where there is developed opposition party strength. President de la Madrid, in all four of his annual reports to the nation, has emphasized his commitment to political pluralism in Mexico.

The President and Senate are elected for 6-year terms. The lower house is elected for a 3-year term, 1 during the election of the President and thereafter midway through the presidential term. State governors are elected for 6-year terms, with elections staggered in the various states throughout the course of the presidential term. Members of the unicameral state legislatures and all mayors are elected for 3-year terms. These elections are also staggered.

In January 1986, the official announcement of the results of the election for the mayoralty of the state capital of San Luis Potosi declared the PRI candidate the winner, in spite of opposition claims that the PAN candidate had won. In the July 1986 Chihuahua state elections, the opposition parties charged the PRI with electoral fraud. Similar claims of fraudulent PRI electoral victories have also been lodged in the states of Durango, Sinaloa and Tamaulipas. These charges have been leveled by both Mexican and foreign investigative journalists as well as by opposition party activists. In addition, following the Chihuahua State elections, prominent leftist intellectuals in Mexico as well as members of the Mexican Catholic Church hierarchy publicly denounced what they believed to be blatant electoral frauds in those elections. The Government has consistently defended the official party's victories and has specifically denied allegations of fraud, while admitting that the electoral system is an imperfect one which could and should be improved.

Opposition parties are guaranteed access to the public media and seats in state and federal legislatures are reserved for them. However, the opposition charges access to the media is highly unbalanced compared to the day-to-day exposure of the PRI. In December, the Congress passed a major reform to the nation's electoral law. New procedures to be followed in elections have been designed to provide for representatives from all political parties being present at polling places, as well as independent poll watchers. Also, the number of seats reserved for minority parties in the Chamber of Deputies has

been increased from 100 to 150, with the total number of seats in the chamber having been expanded from 400 to 500. The electoral reform law also directs that one-half of the nation's senators be elected every three years to 6-year terms.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government allows both domestic and international human rights groups to operate in Mexico without restrictions or harassment, and has pledged its full cooperation in efforts by Amnesty International to monitor human rights violations in Mexico. Various ranking Mexican officials have met with Amnesty International representatives, as well as with domestic human rights activists and the United Nations Human Rights Commission (UNHRC) to discuss allegations of human rights violations.

The Government has publicly committed itself to periodic inspection by the UNHRC and other human rights organizations, and has pledged its complete cooperation with any such investigations.

In its report, "Mexico: Human Rights in Rural Areas," Amnesty International noted its "appreciation for the cooperation of the Mexican authorities, both for the facilities placed at the disposal of the members of its delegation which visited Mexico in January 1985, and for the commendable speed and efficiency with which they have responded to Amnesty International's communications."

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Mexico takes pride in its multiracial origins and in the success the country has achieved in fostering a climate of racial harmony. Indigenous groups, many of which do not speak Spanish, are encouraged to participate in political life and the Government is respectful of the desire of these groups to retain elements of their traditional lifestyle. These groups, however, remain largely outside the country's mainstream political and economic life; this is not the result of conscious policy but rather of historic patterns of economic and social development which have evolved over centuries.

Discrimination based on religion is generally nonexistent except for sanctions contained in the Constitution barring the clergy from participating in politics, voting, owning real estate and wearing religious garb in public. With time, the prohibitions seem to be relaxing. The role of women in Mexican society is in transition, and women are beginning to move into areas traditionally reserved for men. The number of women's actions groups is increasing and they are aggressively pushing women's issues over a broad front. Women comprise approximately 28.6 percent of the work force but continue to work predominately in nonsupervisory jobs with few at the executive level. During 1986, the ruling PRI party has pursued a policy of increasing the role of women in the political process. One of the party's 13 gubernatorial candidates in 1986 was a women. Seven of the Mexican Senate's 64 senators are women, and 43 of the 400 member Chamber of

MEXICO

Deputies are women, an increase of 8 over the previous legislature. The Secretary-General of the PRI party is a woman.

Men and women are equal in principle under Mexican law. Women have the right to file for divorce and seperation. There is no restriction against their traveling on their own. They can also own property in their own name.

CONDITIONS OF LABOR

Mexican law sets the minimum age for the employment of children at 14 years; children over 14 but under 16 years of age may work but are subject to special legal protections and shorter working hours than adults and cannot be employed in certain jobs. Child labor laws in Mexico are observed fairly strictly in medium sized and large manufacturing and commercial establishments, but less so in small shops and in such occupations as street vending, where child labor is difficult to control. The law also provides for a minimum wage. Labor's real purchasing power has been eroded considerably in recent years even though it is revised at least semiannually. The principle of equal pay for equal work prevails in the treatment of foreign workers, but preference is given to Mexicans over foreigners in hiring and foreigners are not allowed to form a part of union leadership. The maximum legal work week is 48 hours with a maximum workday of 8 hours.

Extensive regulations pertaining to occupational health and safety exist. Industrial safety laws are less frequently observed in practice, particularly in the heavy industrial sector and in the construction industry.

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U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MEXICO

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	8.4	11.1	11.6
LOANS.....	0.0	0.0	0.0
GRANTS.....	8.4	11.1	11.6
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	1.2	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	1.2	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	1.2	0.0
E.RELIEF.EC.DEV & WFP.	0.0	1.2	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	8.4	9.9	11.6
LOANS.....	0.0	0.0	0.0
GRANTS.....	8.4	9.9	11.6
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	8.3	9.7	11.6
OTHER.....	0.1	0.2	0.0
II.MIL. ASSIST.-TOTAL...	0.2	0.2	0.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.2	0.2	0.2
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING.../	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.2	0.2	0.2
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	8.6	11.3	11.8
LOANS.....	0.0	0.0	0.0
GRANTS.....	8.6	11.3	11.8
OTHER US LOANS.....	79.4	10.1	0.0
EX-IM BANK LOANS.....	66.5	10.1	0.0
ALL OTHER.....	12.9	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	893.3	674.9	943.0	12999.2
IBRD	576.3	598.0	904.0	8700.4
IFC	25.2	0.0	39.0	815.6
IDA	0.0	0.0	0.0	0.0
IDB	231.0	74.3	0.0	3408.2
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.3	0.1	0.0	53.8
OTHER-UN	0.0	2.5	0.0	21.2
EEC	0.0	0.0	0.0	0.0

NICARAGUA

The Sandinista National Liberation Front (FSLN), a Marxist-Leninist group, exercises complete control of the Government of Nicaragua. The national election of November 1984 was won handily by the Sandinistas but boycotted by much of the opposition due to seriously flawed electoral practices. A new Constitution, promulgated in January 1987, provides the legal framework for the perpetuation of FSLN control. The opposition during 1986 came under increased official pressure, through intimidation, imprisonment, and other forms of harassment. Repression affected both organized opposition entities and, more broadly, sectors of the population viewed as hostile to the regime or sympathetic to the armed resistance. This repression is the result of the FSLN's control of the Army, the state security apparatus, the police, and the various militia and paramilitary forces as well as of the judiciary and legislative organs.

The General Directorate for State Security (DGSE) and the Popular Sandinista Army (EPS) are key elements in the increasingly sophisticated internal control network. With the involvement of Soviet bloc and Cuban advisers, the DGSE has become increasingly efficient and sophisticated.

The Government expanded its drive to immobilize the opposition during 1986 with official attacks on political parties previously spared more threatening forms of intimidation, such as detention or arrest. It increasingly circumscribed the legal activities of political, labor, private sector, and religious organizations. Officials of these organizations also charge that their operations are disrupted by FSLN infiltrators. The FSLN generally has been careful in dealing with well-known opposition leaders, but mid- and lower-level opposition activists, unprotected by international recognition, have been interrogated, imprisoned, and, in several cases, assassinated.

Major human rights abuses in 1986 included mass arrests of civilians on vague charges of counterrevolutionary activity; torture and abuse of prisoners; disappearances; summary executions of civilians and prisoners of war; the continuing involuntary relocation of rural residents; civilian deaths resulting from the Sandinista military's indiscriminate use of artillery and air bombardment; the closure of the opposition newspaper La Prensa and Radio Catolica, operated by the Catholic Archdiocese of Managua--the last vestiges of the independent, nongovernment-controlled mass media; and the forced exile of a leading bishop, the Curia's spokesman, and a priest.

There were also continuing unconfirmed claims of the murder of civilians in the Atlantic coast region during 1986. These reports came from refugees entering Costa Rican camps who allege that the Sandinistas have begun using "death squads" for the execution of rural inhabitants, mostly young males, considered sympathetic to the resistance.

The armed resistance similarly has been charged with numerous violations of human rights, including forced recruitment, use of pressure-sensitive mines, summary executions of prisoners and regime officials, torture, kidnapings of noncombatants, and attacks on civilians. As with most of the reports concerning the massacre of civilians in remote areas by the Sandinista authorities, it has proven extremely difficult to obtain objective independent verification of these charges.

NICARAGUA

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were reports that 32 persons were killed by Sandinista authorities for apparently political motives during the past 12 months, with unconfirmed claims of as many as 500 civilians killed by government troops in the Government's counter-insurgency efforts. In addition, 15 to 20 prisoners reportedly were killed with automatic weapons fire in one of Nicaragua's largest "model prisons" when authorities broke up a hunger strike involving several hundred prisoners.

Victims of political killing included:

--Salomon Telleria, a member of the Social Christian Party (PSC), died on February 14 of internal injuries after being severely beaten in a DGSE prison in Leon.

--Eduardo Jose Trejos, a Ministry of Interior (MINT) official convicted of espionage, was reported by the Government on June 4 to have hanged himself with a sheet in his cell in El Chipote prison. Former prisoners report that cells in that facility are not provided with sheets. A request by the Trejos family for an autopsy was denied by the authorities. They also forbade the family to open Mr. Trejos' casket prior to interment.

--Daniel Gonzalez, a campesino activist of the PSC Revolutionary Youth, was shot to death by Sandinista soldiers Eugenio Laguna Silva and Pablo Urrutia Aviles on January 20; Gonzalez had been badly beaten by the two soldiers on November 22, 1985.

--Tomas Reyes Gutierrez died while in the custody of the DGSE. In January the Permanent Commission on Human Rights (CPDH), Nicaragua's only independent human rights group, received a complaint concerning his murder, following his detention on suspicion of having links with the resistance. Reyes had been shot several times and his body showed evidence of torture and mutilation.

--Juan Pablo Pineda, an evangelical minister, was killed while under arrest by a two-man patrol in November 1985, although the case was not made public by the Government until January 1986. One of the perpetrators was arrested, according to authorities, while the other escaped.

--A farmer and his wife in Nueva Guinea were reported by neighbors to have been killed by an army patrol in October after admitting to having given food to the armed opposition.

--Two members of the military were shot "while trying to escape," one after being arrested for desertion and the other after shooting Belgian agricultural adviser Paul Dessers. Although Dessers was killed at a spot identified by local residents as a routine Army checkpoint, the Government publicly claimed he had been shot by a soldier "recently" discovered to have ties to mercenaries.

In addition to the above persons, 23 others were reported to have been summarily executed by military or security forces.

There also were numerous unconfirmed reports of murders of civilians in isolated rural areas by the Sandinista military. Although names, places, and in many cases dates of death and names of the perpetrators are available, it has not been possible to verify the allegations.

The Government has been accused of summarily executing prisoners taken during combat. An example was a wounded resistance combatant who was sprayed with machine gun fire by Sandinista militia following an attack on the military headquarters at El Nispero.

In the 5 years of civil war, only 600 to 650 resistance combatants have been identified as coming to trial before the Popular Anti-Somocista Tribunals (TPA's), special courts created to try political crimes. This figure compares to the Government's claimed total for resistance combat deaths of 16,000 as of July 1986, with 4,000 allegedly killed in 1986 alone. While it is not possible to determine the numbers of resistance prisoners being held by the Sandinistas (or the actual number of resistance combatants killed in fighting), allegations have been made by refugees and defectors that resistance prisoners are being held without the formality of a TPA trial or have been executed without trial while in Sandinista custody.

According to the Government, about 1,000 civilians were killed by the resistance in 1986. Independent verification of the combatant status of victims, of the number of civilian deaths attributable to the resistance, and of the number that constituted deliberate as opposed to inadvertent killings is virtually impossible since the Government controls access to sites of alleged killings and the dissemination of pertinent information.

Determining the number of civilian casualties is complicated by the Government's practice of tasking persons engaged primarily in civilian occupations with additional defense responsibilities. The Government consistently withholds information on the military or paramilitary functions of victims, publicizing only their alleged civilian status.

Charges against the resistance during 1986 included the following incidents:

--On July 3, the official Nicaragua press reported that a civilian truck had struck a mine placed by the resistance, killing 32 civilians. Resistance headquarters was simultaneously informed that a grenade thrown by a Sandinista unit at resistance fighters had struck a passing truck, causing an explosion that resulted in the deaths of 31 civilians. There is no evidence available to confirm either version of the event.

--On July 28, the Sandinista media reported the deaths of five persons in a "contra" ambush of two official vehicles. Two victims were reported as Nicaraguan Sandinista Party militants and three as "internationalists." Documents recovered from the bodies indicated that at least four and probably all five were Europeans. Three carried Ministry of Interior permits for AK-47 assault rifles and pistols; one carried a document identifying him as a Sandinista official and a photo in which he wore a Sandinista military uniform.

NICARAGUA

--On May 17, eight West Germans were taken prisoner by the resistance after an attack on an agricultural cooperative. They were captured in a military barracks attached to the project. Some, according to the resistance unit, were uniformed and armed. Despite intensive efforts by the West German Government and the Nicaraguan Democratic Forces (FDN), the main armed resistance group, to reach an agreement with the Sandinistas for their safe release, their captivity continued for 25 days. The Sandinistas objected to various conditions, including handing over the prisoners to an independent third party. During that period, the Sandinista army pursued the group closely, repeatedly opening fire. The prisoners were released June 10 into the custody of a local Moravian Church. In their statements to the press, the released captives complained that they had to sleep on the ground and walk long distances, and that their captors fired rifles into the air or near them to keep them on the move.

--Sandinista authorities reported that the resistance attacked a bus October 14, killing 2 civilians and wounding 32. Witnesses, including a journalist, reported that a Sandinista soldier had opened fire on a resistance combatant who had stopped the bus looking for Sandinista military, setting off a panicked barrage of return fire by the unit.

--On October 20, a vehicle reportedly struck a mine in northern Nicaragua that the Government claimed was placed by the resistance. Five or six civilians were said to have been killed. There is no independent information to confirm the Government's allegation.

--On November 11, a resistance unit attacked a militia command post at El Nispero, in southern Nicaragua. The Government blamed the resistance for the death of seven civilians and the wounding of six, portraying the action as a brutal attack on civilians. A report by a foreign journalist indicated that all but one of the deaths were inadvertent casualties. The resistance unit denied the reporter's claim that it had slit the throat of a 1-year-old child. In a detailed account of the engagement, they stated that the child and its mother had been killed by blind fire while they hid in a small hut attached to the command post. The mother was the sister of one of the resistance combatants.

--On November 20, the Government reported that "contras" had attacked a "caravan of civilian vehicles" from the Ministry of Construction, killing three civilians and kidnapping seven, including a Swedish aid worker. Subsequent inquiries from the foreign press revealed that three Ministry of Interior soldiers had been killed in the ambush, no kidnapings had occurred, and no foreign aid workers were involved. The Ministry of Defense attributed the original report to "confusion."

--Government authorities alleged that the "contras" had ambushed a civilian vehicle November 13, killing five civilians, including the vice president of the Sandinista Cattlemen's Union (UNAG). The group reportedly was traveling in a military vehicle; victims included both civilians and soldiers, and all passengers were armed with assault rifles and pistols.

In many cases, civilian casualties are sustained in the course of combat. In every instance, the Government declares such casualties a result of resistance fire. The likelihood of

unnecessary civilian deaths is significantly increased by the Government's deliberate policy of transporting civilians in military convoys, which are key targets for resistance units, and of arming persons in civilian occupations and tasking them with military responsibilities. The Government announced, for example, that half of the 10,000 coffee pickers in Military Region VI had been armed and had received military training. Armed harvesters included members of the Sandinista Youth described as occupying the "second defensive echelon...after the irregular warfare troops...the permanent territorial troops, and the territorial militia." Newspapers also have printed photographs of uniformed and partially uniformed members of "harvest brigades" who are virtually indistinguishable from regular army troops. On January 11, Daniel Ortega distributed land titles and rifles to communal farmers. The Manuel Escobar Shock Brigade, which will be sent to build bridges and roads in northern Zelaya, consists of youths described as members of the Army reserve, militarily experienced, and "ready to work with a rifle at their shoulder." Brigade members shown in a photo accompanying the press announcement of its formation were uniformed, and the 61 members were said to be prepared to act as "soldiers" if necessary.

The same ambiguity characterizes the agricultural cooperatives frequently targeted by the resistance. Although the Sandinistas internationally publicize these settlements as strictly civilian enterprises, the claim is demonstrably false. The agricultural cooperatives in combat regions were conceived and developed as "links in the system of territorial defense." The units are guarded by militia or regular military personnel. The civilian workers also carry out military functions and receive routine military training by the Army. The system was publicly announced as a strategy for replacing individual farmers in combat areas--many of whom were proresistance--with armed pro-Sandinista cooperatives in order to deny a base of popular support to the resistance. Such cooperatives generally have both civilian and military functions.

Other deaths charged to the resistance by the Government are allegedly caused by mines. Although Sandinista Defense Minister Humberto Ortega publicly stated that the Government has placed thousands of mines in border areas, the Government has consistently attributed deaths of civilians caused by mines to the resistance.

b. Disappearance

As in previous years, many disappearances reported in Nicaragua are a result of the Government's policy of holding prisoners in jails distant from their homes, concealing or denying their arrests, and failing to notify family members of arrest. Other persons disappear and are not seen alive again. CPDH reported 22 cases of unresolved disappearances attributed to the Government by the end of October 1986.

The Government in 1986 charged the resistance with several hundred kidnapings, not including the 11,000 Indians said by the Sandinistas to have been "kidnaped" in March 1986 by a few hundred Indian resistance fighters. This raises the total of such "kidnapings" attributed to the resistance since 1979 to 688. While it is certain that the resistance has taken civilian prisoners, the exact number is not known. The main armed resistance group, the FDN, has published a list of

approximately 70 prisoners. FDN leaders have sought to release prisoners to the International Committee of the Red Cross (ICRC), but no agreement has been reached on a prisoner release. The Government press routinely publicizes cases of "mass amnesties" of persons who publicly claim to have been with the resistance under force and to have escaped or to have been "liberated" by the Sandinista military.

Resistance commanders claim to have instituted a system of choice for persons taken prisoner, under which they may remain as a prisoner, fight with the resistance, or return to their homes. According to unit leaders, most opt to return home. In order to prevent false charges of execution of prisoners, resistance units try to release their prisoners only to third parties who are able to provide transportation out of combat areas for those who are freed. In practice, this appears to mean stopping passing motorists to request their assistance.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Reports of the beating of political prisoners and intense "psychological torture" by government authorities are common, and conditions in prisons not open to public inspection are consistently reported to be dehumanizing. The Government appears to have a deliberate policy of degrading political prisoners and undermining their will to resist. Reports by former political prisoners and three letters smuggled out of prisons during 1986 commonly include references to such violations as mock executions; death threats against themselves and their families; false reports by interrogators of the torture and death of prisoners' families; deprivation of food, water, and sleep; immersion in barrels of cold water for days at a time; other forms of sometimes severe physical abuse; and sexual molestation. At the DGSE prison in Esteli, prisoners are reportedly hung by their thumbs and beaten.

In at least the Zona Franca prison, inmates are reported to be punished by being placed in the "sucker," an old truck body sealed and exposed to the sun. Prisoners thus confined for more than a few hours suffer extreme dehydration. There are also recurring reports of underground prison cells for isolation of prisoners. Both defectors and ex-prisoners have also reported the use of dogs for terrorization of prisoners during interrogation. Canine teams reportedly were brought originally from Cuba to Nicaragua; dogs are now bred there and trained for use by the Ministry of Interior.

Prisons are said by former inmates to be severely overcrowded and filthy. In DGSE prisons, allegedly the worst in Nicaragua's prison system, as many as 20 people may be kept in a cell designed for 4. A single bucket or a hole in the ground generally is the only sanitary facility. Bathing is rarely permitted, and even drinking water is severely rationed. In some cases, prisoners are prohibited from speaking with their cellmates on threat of punishment. Cells are ventilated only by a tiny shaft, and prisoners are disoriented by the manipulation of light. Food is limited to inadequate quantities of rice and beans, often contaminated by dirt and insects. Prisoners and detainees are interrogated while hooded or while seated on the floor with their heads between their legs. Recalcitrant prisoners are beaten by guards or, sometimes, by other fellow prisoners employed for that purpose. Prisoners also have reported beatings, denial

of food or visits, removal to DGSE prisons, and exposure to homosexual rape as so-called disciplinary measures.

Prisoners' families are also abused by the system. Visits are brief and infrequent--generally no more than once every 3 months--and denial of prisoners' visitation rights is a commonly used punishment in the penitentiary system. Prison authorities have also been reported to demand sexual favors from family members in exchange for visiting privileges.

d. Arbitrary Arrest, Detention, or Exile

The Nicaraguan Government continues to arrest and detain thousands of citizens on vague charges of counterrevolutionary involvement. With the denial of the right to habeas corpus to those charged with "political" crimes, mass arrests of suspected resistance supporters or sympathizers have become increasingly common. Suspects are often held for several months without charge and without access to counsel. Arbitrary short-term arrest and interrogation is a key element in the Government's harassment of the civilian opposition.

As of September 1986, the Government had announced the detention of over 3,000 people on suspicion of involvement in "counterrevolution." It is unknown how many of those detained remain in Sandinista custody. Another 2,300 people were detained and then released and granted amnesty for similar crimes. In early 1986, over 200 Catholic "Delegates of the Word" were arrested in the Nueva Guinea area. Almost 100 members of the Autonomous Nicaraguan Workers Confederation (CTN-A) were arrested at the same time. In the largest single operation announced by the Government, 1,500 persons were reported arrested during a 2-week period in March in the Rio Coco de Matagalpa area. The Government press reported 518 people arrested in February, 250 arrested in the Rama-Nueva Guinea area in March, and another 328 detained in May. On at least one occasion, in March in El Jicote, the entire male population of a village was detained on suspicion of counterrevolutionary involvement.

Even though accused of being "couriers" or "collaborators" with the resistance, few of those detained are officially charged. For example, of the 49 CTN-A labor activists still imprisoned, only 1 has been formally charged. Based on reports from persons released from Sandinista prisons, detainees often are held for 3 or 4 months for interrogation, and then are either released, granted amnesty, or remanded to the TPA's for trial as a counterrevolutionary. At any given time, between 1,500 and 3,000 persons are being held in this fashion without charge or trial.

Harassing detentions of shorter duration are also common. These detentions, invariably of persons active in or known to be sympathetic to the opposition, may last from a few hours to a few weeks. The common view of those subjected to this treatment is that the aim is to create generalized fear of the Government's powers of retribution and its ability to discover details of both private and public activity. Among opposition members detained were: Ricardo Martinez of the Nicaraguan Workers Confederation (CTN); PSC Revolutionary Youth leader Fanor Avendano; Humberto Urbina of the PSC; and Bayardo Guzman, Vice President of the Liberal Independent Party (PLI).

The total prison population (prisoners and detainees) in Nicaragua has been estimated by ex-prisoners and former prison

officials to be as high as 20,000. A more common estimate, however, is around 15,000. This figure includes common criminals and political prisoners, including former National Guardsmen. Government figures show an increase of 50 percent in the prison population in the last 2 years, and there has been a fourfold expansion in prison space since the Sandinistas came to power. It is estimated that there are from 8,000 to 10,000 political prisoners and detainees.

Formal exile has not been commonly used by the Sandinista Government, although members of the business community have reported death threats against themselves and their families, which they believe are indirect attempts to force them into "voluntary" exile. In 1986, however, the Government exiled two leading opponents. On June 28, Father Bismarck Carballo, a Catholic priest and spokesman for the Nicaraguan Church, was prevented from returning to Nicaragua. Carballo was a frequent target of Sandinista media attacks and other forms of abuse. The Government justified the exile as retaliation for Carballo's alleged "lobbying" in Washington for U.S. support for the armed opposition.

By contrast, DGSE agents forcibly removed the Bishop of Juigalpa, Pablo Antonio Vega, from his residence, flying him to the Honduran border where he was released to Honduran authorities. Vega's exile capped several weeks of tension brought on by his criticism of the Sandinistas' domestic policies. The Nicaraguan Government announced that Vega was exiled for his support of the "contras.

Prohibitions on the use of compulsory or forced labor are among the rights and guarantees of Nicaraguan citizens. Although there were recurring rumors during 1986 of the use of involuntary prisoner labor, none of those charges has been confirmed. The Government does, however, exert pressures on students and government employees to "volunteer" labor for such tasks as coffee harvesting. There have been numerous credible reports that failure to participate in such ostensibly voluntary labor results in expulsion from schools and other forms of reprisal.

e. Denial of Fair Public Trial

Nicaragua has three court systems: the civil and criminal courts of the Ministry of Justice; the Sandinista Police Courts of the Ministry of Interior; and the TPA's. While Sandinista adherents dominate each of these systems, the TPA is the most clearly politicized. The TPA is reserved for trial of political and armed opponents of the regime and lacks basic elements of due process. Defense lawyers are seriously restricted in access to their clients and are largely blocked by procedural impediments from presenting a meaningful defense. Trials as a rule are conducted in secret, and the admissibility of evidence is heavily weighted in favor of the prosecution. Reportedly, most convictions are based on "confessions" obtained in secret interrogations, during which torture and psychological abuse are commonly used. The decision of the TPA can be appealed only in its own appellate court--the Nicaraguan Supreme Court cannot intervene. The combined judge and jury generally consists of two Sandinista militants, generally without legal expertise, and a third member who usually is a former judge or a former employee of the Ministry of Justice. As of July 1986, 376 prisoners had been convicted by the TPA's. Government figures and estimates from human rights organizations show that at least 1,371

persons have been tried by the TPA's since their inception. Only 90 defendants have been found innocent, for a conviction rate of over 90 percent.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Sandinista Government does not recognize the right to privacy and the inviolability of the home and correspondence, the suspension of which was reaffirmed in the October 1985 declaration of a state of emergency. The telephones of most opposition activists or those who maintain contact with the diplomatic community are tapped, and correspondence, especially from abroad, is examined. Surveillance of Government opponents at all levels is routine. The DGSE has established networks of informers in every town and neighborhood, using agents from Sandinista mass organizations and, when possible, former detainees who provide it information under duress. "Revolutionary vigilance," the special task of the Sandinista Defense Committees (CDS's), involves monitoring the population for indications of anti-Sandinista sentiment; they report the activities, statements, and visitors of persons identified by DGSE as opponents.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and of the press are severely restricted in Nicaragua. Government or pro-Sandinista ownership of most of the mass media and strict censorship of the few remaining private radio stations ensure that unauthorized opinions do not reach Nicaraguans through these media. A few independent publications of limited distribution still exist, such as the monthly reports of the CPDH and the newsletters of some opposition parties and business organizations. Efforts to publish more have been met with threats to confiscate printing presses. The political point of view of any form of mass communication continues to be the criterion by which the Government judges its permissibility.

In 1986 there were three major cases of the violation of freedom of speech and press. They were the closure of Radio Catolica on January 2, allegedly for failure to broadcast the first half of President Ortega's New Year's Day speech; the banning of the opposition daily, La Prensa, in June; and the conviction of seven journalists for writing "counter-revolutionary articles" for Honduran newspapers. The 7 were convicted by the TPA's and sentenced to 10 years each in prison, a sentence upheld by the TPA appellate division in July.

Both La Prensa and Radio Catolica had been subjected to severe and arbitrary censorship prior to their closure. The democratic opposition and the Catholic Church now have no means of mass communication.

b. Freedom of Peaceful Assembly and Association

The Sandinistas limit the freedom of assembly and association to FSLN or government-approved organizations. Groups not affiliated in some way with the State or the ruling party usually find efforts to carry out meetings of any size routinely frustrated. Smaller meetings are more often

tolerated. All groups and organizations must register and receive government recognition in order to function as a legal entity. All outdoor public assemblies must receive prior authorization from the police. In what was later dismissed as an error by the FSLN, a meeting of the officially recognized faction of the Conservative Party to discuss the draft constitution was broken up by the police in January.

The freedom not to associate is also being violated. The Sandinistas have created various FSLN-affiliated mass organizations, membership in which, while ostensibly voluntary, is frequently a prerequisite for access to basic goods and services. Everyone is expected to belong to a CDS, which exercises control over access to subsidized food stores, often the only source of affordable staples for the average Nicaraguan. The CDS also issues letters of recommendation for those seeking government jobs, without which such employment is often difficult to obtain, and controls access to medical care, housing, and education. Those refusing to participate in CDS functions are often denied these scarce commodities or services. Membership in Sandinista unions and student organizations is also more obligatory than voluntary. Failure to join such organizations often results in some form of retribution such as expulsion from school, loss of employment, and, on occasion, harassment and detention.

The three independent labor confederations continued to face strong pressure from the Sandinistas in 1986. Many members have been harassed and others arrested or threatened with death because of their membership. There have also been reports of DGSE intimidation aimed at obtaining members' cooperation as informants. Members of independent agricultural unions in Ocotal in April reported receiving threats from Sandinista authorities to evict them from their land because of tneir refusal to leave the Confederation of Labor Unity (CUS), an organization affiliated with the International Confederation of Free Trade Unions (ICFTU).

Over 200 members of the CUS, the Nicaraguan Workers Confederation (affiliated with the Latin American Labor Central, CLAT), and the CTN-A were arrested in 1986. Some of those arrested were released within a few days, others after several months, and some remain imprisoned. Most were arrested on charges of counterrevolutionary activity, although one group of 14 was arrested on charges of theft. In many cases, no charges have been made known, either to the public or to the detainees. The Chichigalpa headquarters of the CUS were seized in April by members of the Sandinista Youth Organization, led by Ministry of Interior officers. The house, badly vandalized, was returned several months later as a result of strong international pressure. In March the DGSE also carried out a raid on CUS offices at the San Antonio sugar mill. CUS members who had formed their own agricultural cooperative were denied supplies and materials from the state agricultural store, ostensibly open to all, and had their crops destroyed when Sandinista officials drove tractors over planted fields.

Under the state of emergency, Nicaraguan workers enjoy neither the right to strike nor the right to organize. All activities of independent labor organizations thus can be treated as illegal by the authorities, who can move against them virtually at will. Members of independent unions risk loss of employment and denial of access to scarce goods and services, as well as face harsher forms of punishment. Nevertheless,

labor recruitment by the independent trade unions has been aided by the declining economic situation, the failure of the Government to pay state workers a living wage, and the ineffectiveness of government-controlled unions to represent worker interests. Even among official labor organizations, however, there have been demonstrations of discontent with government policies. Several wildcat strikes by members of government unions at government-owned plants in 1986 were suppressed and strikers fired and jailed. One such incident occurred at a state-owned clothing factory, another at the state-owned brewery, and a third in the state airline, Aeronica.

Private and professional organizations still exist in Nicaragua, but they are increasingly demoralized as a result of continuing harassment and pressure from the authorities. They have further suffered from the flight of professionals and businessmen from the country. The Confederation of Professional Associations of Nicaragua, a private professional organization umbrella group, has opted to abandon political confrontation as membership has fallen, and restrictions on activities have increased. The Superior Council for Private Enterprise, the umbrella business organization, has also experienced organizational and morale problems.

Among the most intensely targeted of the private sector organizations in 1986 have been the private cattlemen's groups. This sector of the business community reported throughout 1986 fairly consistent pressure from the Government, including surveillance of members and officers, threats to life, threatened and actual confiscation of property, and imprisonment. One member of the Managua Cattlemen's Association abruptly departed Nicaragua because of the intensity of the threats against him and his family. Another cattlemen's association in August reported that 150 members had been arrested since November 1985, none of whom had been released.

Along with repression of opposition activities, the Sandinistas have established state-controlled organizations paralleling those in the private sector. Sandinista-affiliated entities enjoy significant advantages over their private counterparts, including ready access to scarce resources, to the media, to officially funded travel abroad for representational purposes, and to visiting groups sponsored by proregime solidarity organizations. The expanding circle of FSLN fronts includes labor, religious, cultural, and even "private enterprise" associations.

c. Freedom of Religion

Eighty-five percent of the Nicaraguan people are Roman Catholics. The remainder belong to various Protestant denominations, including Moravians, Anglicans, Baptists, and Evangelicals. There were no reports received in 1986 of the disruption of church services, although broadcasts by religious radio stations were subject to prior censorship. In general, government retribution against the religious faithful is reserved for those who are vocal opponents of government policies. Catholic Charismatics and Protestant Evangelicals appear to be at particular risk.

The Catholic Church, as the most influential defender of the rights of Nicaraguans, sustained a steady assault on its institutions during the first half of 1986, although attacks

on religious believers were less severe than in November and December 1985 when numerous reports were received of interrogation, short-term detention, and longer-term imprisonment of Catholic lay workers. One Catholic activist, Juan Torrente, was arrested in Nueva Guinea in late December 1985 and died in February of complications from beatings he received while in detention. Catholic priests were also victims of Government harassment: dozens were summoned for interrogation where they were photographed and fingerprinted. Several of the priests also reported physical abuse.

Throughout the year the Catholic Church was on warning that foreign priests working in Nicaragua would be deported if they continued to engage in activities perceived by the Government to be "political." The threat was sharpened on January 14 when Minister of Interior Tomas Borge announced in an interview in Mexico's El Dia that no new foreign priests would be permitted entry into Nicaragua to fill vacancies created by expulsions of priests already in the country. Even those tangentially affiliated with the Church were subject to deportation.

The DGSE arrested an administrator of the social services agency, along with a director of a Church Parochial Board, in November 1985. The same month, the religion editor of La Prensa, Norman Talavera, was arrested and held 5 days for interrogation concerning his involvement with the Catholic Church and his relations with Cardinal Miguel Obando Bravo.

The Cardinal was twice denied permission by the Government to celebrate mass, once at a local health clinic and once for Managua's market women on Mothers Day. In January the Catholic Church radio facilities were permanently closed in an armed raid by the DGSE; in April all copies of a church bulletin were ordered turned over to the DGSE. The same month the Ministry of Justice issued a decree declaring the Managua Archdiocesan Commission for Social Promotion (COPROSA) an illicit organization.

These substantive attacks on the Church were accompanied by a harsh campaign against the Church hierarchy in the government-controlled and pro-Sandinista media. Father Carballo and Bishop Vega were denied the right to reside in Nicaragua. In September an American priest with 12 years' pastoral work in Nicaragua was denied reentry to the country after a visit to the United States. His residence permit was confiscated. After interventions from various Church authorities, the priest was allowed to return to Nicaragua. In December a Salvadoran priest and longtime resident of Nicaragua, Father Gregorio Landaverde Flores, was denied reentry after returning from studies in Colombia.

Attacks on Evangelicals and other Protestant denominations continued during 1986. In August an Assembly of God church under construction in Managua was stormed by a mob led by FSLN and CDS officials and completely destroyed. The mob had been recruited from another neighborhood and arrived wielding axes, shovels, and crowbars. During the destruction, a 16-year old boy was struck in the head with a rock, leaving him in critical condition. Despite initial promises from the FSLN that the damage would be paid for and the guilty parties punished, church officials were later summoned to the DGSE and warned that they were prohibited indefinitely from conducting religious services.

In August Moravian Church ministers in Puerto Cabezas reported that they had been placed under town arrest by Sandinista authorities, and that a meeting of church ministers, scheduled for late August on Corn Island, was canceled on government orders. It has not been possible to confirm these allegations because of the Government's strict control of travel to the Atlantic Coast. Several hundred Evangelicals were reported in the government press to have been detained in May in the Matagalpa region of Nicaragua, and another 100 were detained in the Zelaya region in February. All were rounded up in the Government's counterinsurgency campaign.

Neither Nicaraguan law nor the new Constitution provide for exemption from military conscription on the ground of conscientious objection. There has been no further conscription of seminarians since 1985, and Catholic priests have never been conscripted, reportedly due to a concordat with the Vatican. However, in a November speech, President Ortega stated that seminarians "have to do their military service." He singled out only bishops as specifically exempt from military service, leaving in question the status of ordinary priests. The Government has not exempted clergy of other faiths from conscription, and the conscription law is applied to conscientious objectors.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement is restricted. Travel out of Nicaragua now requires a passport and exit visa. The Government limits some opposition leaders to single-exit visas only. Both passports and visas are now frequently denied to draft-age males, professionals whose skills the Government wishes to retain, and political opponents whose travels are considered inimical to government interests. The Government has announced several times that the CDS would be charged with preventing people from moving into Managua from other areas, and there have been several incidents where a local CDS has destroyed partially constructed houses before owners could establish residence.

Forced resettlement is a key element in the Government's counterinsurgency strategy, as suggested in a government publication which refers to resettlement camps as "part of a defensive chain that contributes to the strategic defeat of the FDN." The purpose of the camps is to deny the resistance a base of popular support in rural Nicaragua and to protect those loyal to the FSLN. The Government admits to having relocated 204,057 people, but the number of resettled persons may be as high as 300,000. There have been reports of brutality used against persons who have refused to leave their homes, and crops reportedly have been destroyed as the population is moved out. Relocated Nicaraguans are placed in cooperatives where their economic activity comes under government control.

There were no reports of refugees forcibly repatriated from Nicaragua in 1986. According to the United Nations High Commissioner on Refugees, 800 Salvadorans were repatriated during the year. Many chose to leave because of deteriorating conditions in the country, but in general the treatment of refugees in Nicaragua has been good.

NICARAGUA

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Thirteen political parties coexist with the FSLN in Nicaragua, most of which are opposed to the Government. Nevertheless, the FSLN dominates Nicaraguan political life and has moved rapidly to expand and consolidate its control of the country's political structure. The FSLN openly describes itself as Nicaragua's "vanguard," committed to the "socialist transformation" of the country's socioeconomic foundation. The FSLN permeates the Government: it has total control over official resources from the national level down to the village, and it has moved increasingly to expand party-state control over privately owned resources as well. Political power in Nicaragua is concentrated in the nine-man FSLN National Directorate. As in other Marxist-Leninist parties, power flows from this small group downward to lower party structures: the Sandinista Party Assembly, the various FSLN organizational departments, and the regional party cadres. The FSLN essentially formulates national policy, which is implemented by the Government. Membership in the party and nomination to key government positions is determined by the degree of demonstrated loyalty to Sandinista ideology and goals, and increasingly there is a pattern of interlocking FSLN-Government authority. Although the government bureaucracy in general continues to be staffed by persons who are not members of the FSLN, real power is closely held by the Sandinista militants. The various mass organizations affiliated with the FSLN function chiefly as instruments for public control and indoctrination.

Opposition groups in Nicaragua that have refused to come to an accommodation with the FSLN are the focus of a continuing campaign of repression aimed at limiting their membership, weakening their internal cohesion, and isolating them from external support. Members of the opposition are routinely threatened, denied access to goods and services, interrogated, detained, arrested, and harassed by other means. The government strategy of identifying the civil opposition from all sectors as internal fronts for the armed resistance is a constant theme of the government-controlled press and media. Opposition leaders also report taunts from the DGSE that their names are on a list of those to be imprisoned or killed at some unspecified point in the future. The Government uses the armed opposition as a rationale for further actions to suppress domestic dissent, thereby accelerating a process the opposition considers inevitable.

All genuine political opposition activity is a target for repression, but those organizations engaged in activities focused on mobilization of grass-roots support are the chief victims. The Social Christian Party and the Independent Liberal Party (PLI) have suffered the most from the punitive measures of State Security. The PSC has come in for the most violent abuse: three of its members were killed by Sandinista authorities in 1986. Thirty-five PLI activists were arrested in May on charges of conspiracy in an "internal front," and in September, Party Vice President Bayardo Guzman was arrested and held incommunicado for 2 weeks.

A member of the National Assembly, Conservative Felix Pedro Espinosa, was punished for his outspoken opposition to the Government from the Assembly floor and in his public statements. He was charged by the Government with arson for the burning of his own property. Although the arrest warrant

for the alleged arsonists was dated the day prior to the crime, and the Conservatives charged that a confession was obtained by torture. Assembly President Carlos Nunez dismissed the objections, stripped Espinosa of his legislative immunity, and ordered him to stand trial. In mid-July Espinosa took refuge in the Venezuelan Embassy, where he remains.

One of the most common tactics used by the Government in undermining opposition strength is its use of agents to infiltrate organizations for the purpose of reporting internal developments and stimulating frictions and factionalism. DGSE approaches to various opposition members for this purpose, using threats or inducements, have been reported in virtually every opposition organization.

A somewhat different approach was taken with the Social Democrats. The FSLN not only infiltrated the party--one high-ranking PSD leader confessed his role to party leaders in 1986--but sought to discredit the PSD leadership. For instance, a DGSE agent delivered to party headquarters "secret" documents, "found on a bus," indicating that Luis Rivas Leiva, party president, was a Sandinista agent; Rivas Leiva was abroad at the time. A few days later, several uniformed DGSE officials called to demand the return of the documents, saying that they had been misdelivered.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government of Nicaragua has allowed a number of international human rights organizations to visit the country and has responded to inquiries from the United Nations Human Rights Commission and the Inter-American Commission on Human Rights. It has not, however, allowed the Inter-American Commission on Human Rights to visit. That organization, in its most recent report, cited the "lack of cooperation" of the Government of Nicaragua and expressed its "deep frustration." In general the Government approaches human rights investigations as potential instruments of propaganda. Its treatment of independent investigations depends largely on how useful they are perceived to be. Some independent groups have worked closely with the Government, accepting government assistance and reportedly deliberately ignoring information on government human rights abuses. Others have adopted largely uncritical attitudes toward government-disseminated reporting, despite firsthand information from key government defectors on the Sandinistas' routine use of falsification and deception to deflect human rights inquiries from international organizations. The CPDH, the only independent human rights group in Nicaragua, suffers from continuous harassment and is protected from closure and arrest of its personnel only by international interest. The Government has attempted to censor CPDH monthly reports and refuses to answer CPDH inquiries into alleged government abuses. The ICRC visits some prisons in Nicaragua, but along with all other human rights organizations or investigative bodies, it is denied access to any DGSE prison.

Until October 1985, the Archdiocese of Managua had its own organization for monitoring human rights affairs as well as for providing certain social welfare services. COPROSA was closed at that time, and all its functions declared illegal in April 1986. The Nicaraguan branch of the Catholic Church's human rights organization, Peace and Justice, which shared the

COPROSA premises, was never reestablished after the October raid.

The International League for Human Rights, in its July 1986 report, "Human Rights Defenders in Nicaragua", roundly criticized the Government of Nicaragua for its harsh restrictions on and outright closing of nongovernment human rights organizations.

Until July, when it was disbanded, the United Nicaraguan Opposition's Human Rights Commission (UNO/CDH) was tasked with investigations into charges against the resistance. Impeded by its inability to gain access to sites of alleged abuses, to evidence, and to witnesses, UNO/CDH was unsuccessful in establishing an objective basis for confirmation or rebuttal of the charges disseminated by the Nicaraguan Government. In most cases, the organization was able only to interrogate persons who had participated in combat in which violations were said to have occurred. UNO/CDH generally was able to carry out satisfactory investigations only of incidents relating to abuses committed within the resistance itself. Persons found guilty were punished with imprisonment and/or expulsion from the forces.

In November a new human rights monitoring organization commenced operation. This organization, the Nicaraguan Association for Human Rights (NAHR), is independent of UNO/CDH, although funded by the U.S. Government. The basic objectives of the NAHR are the prevention and investigation of human rights violations by the Nicaraguan armed resistance. It will also interview Nicaraguan refugees to gain information on Sandinista abuses.

NAHR is responsible for a comprehensive human rights instruction program for resistance combatants. NAHR staff have visited prisoners of the FDN and are actively seeking an international organization to assist in returning them to Nicaragua or to other nations willing to accept them. The NAHR will investigate complaints of abuses and report on their findings. The NAHR has reported that the armed resistance has been cooperative and receptive to NAHR's inquiries and programs.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Nicaragua's minorities, mostly Indians and blacks, are concentrated on the country's Atlantic Coast. The largest of the Indian tribes, the Miskito, and others such as the Sumo and Rama, have suffered from violent attempts by the Sandinistas to force the indigenous population into conformity with the ideals of the State. The official policy of repression and violence against the Indians, which became apparent in early 1981, has led to the exodus of more than one-third of the Indian population of Nicaragua. The officially registered Indian refugee population in the Honduran Mosquitia alone was approximately 20,000 by the end of the year. Despite the Government's current effort to project a conciliatory image, the use of force against Miskito civilians continued during 1986. The most conspicuous violation of Indian rights occurred in March when elements of the EPS opened fire on villages along the Rio Coco, panicking 11,000 to 12,000 Indians into flight to the Honduran Mosquitia. Several thousand of the Indian refugees in

Honduras, however, reportedly have since returned to their homes.

Women are not subject to any special restrictive measures by the Government and are to be found participating actively in most levels of government and of society. However, the revolution has not succeeded in significantly changing the cultural constraints faced by women in Nicaraguan society.

CONDITIONS OF LABOR

Children under the age of 14 are not legally permitted to work. However, Ministry of Labor officials admit that, due to problems of enforcement, the prohibition on child labor is often disregarded in the countryside. The AFL-CIO in November reported that child labor is "widespread" in the country. In that same report, the AFL-CIO also criticized the inadequate health and safety measures in place in Nicaragua for the protection of workers.

Under the National Organizational System for Work and Salaries (SNOTS), minimum and maximum salaries have been established for all of Nicaragua's salaried employees working in the public and private sectors. Agricultural workers have not been incorporated into SNOTS, and most are paid on a piecework basis (e.g., the amount of coffee or cotton picked). For those who labor in the fields daily, however, a minimum wage per task plus a daily food allowance have been established. Although those rates were raised in 1986, the increases did not offset the country's serious inflation, and the standard of living for the average Nicaraguan worker continued its decline.

Independent labor unions have protested the Government's amendment of Article 22 of the Labor Code which eliminates labor-management collective bargaining and replaces it with the SNOTS system. The unions' major complaints are the imposition of government criteria for wages and salaries, the discontinuation of medical benefits, and the reduction of Christmas bonuses.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: NICARAGUA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	0.1	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.0	0.0
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.1	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.1	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.1	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.0	0.0
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	0.8	0.3	0.0	735.5
IBRD	0.0	0.0	0.0	231.1
IFC	0.0	0.0	0.0	9.5
IDA	0.0	0.0	0.0	60.0
IDB	0.0	0.0	0.0	405.4
AD3	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.5	0.3	0.0	23.8
OTHER-UN	0.3	0.0	0.0	5.7
EEC	0.0	0.0	0.0	0.0

PANAMA

Panama is legally a representative democracy with a Constitution which mandates the direct popular election of the President, legislators, and municipal representatives; establishes an independent judiciary; and guarantees broad civil and individual rights. In practice, however, the Panama Defense Forces (PDF), despite constitutional proscriptions on their political activity as an institution, continue to dominate national politics.

On September 28, President Eric Arturo Delvalle completed one year in office. As First Vice President, Delvalle assumed the presidency after Nicolas Ardito Barletta was forced from the office by the PDF and political leaders of the governing coalition. The 1984 general elections, which brought the Barletta-Delvalle slate to office, remain a source of friction between the Government and opposition parties. The prolonged vote tabulation process was marked by irregularities and drew charges of fraud from the opposition coalition, which ultimately rejected the electoral tribunal's count as invalid.

Since mid-1984, Panama has been confronted with overriding twin fiscal problems: a heavy external debt burden and a large government budget deficit. In March 1986, at the urging of its international creditors, the Government passed a reform package which reduced tariff protection of domestic industry, loosened the country's restrictive labor code, and established tax and export incentives in the agricultural sector.

There was no progress in 1986 toward a solution of the September 1985 murder of regime opponent Hugo Spadafora. However, there were no political murders during the year.

The most serious erosion of human rights in 1986 occurred in the area of media freedom. While the Constitution guarantees broad civil rights, and while an active opposition press exists, during 1986 the Government applied a controversial libel law unevenly to punish opposition media for certain criticisms of the Government and the PDF.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

No political killings occurred during 1986. Some media have suggested official involvement in the July death, ruled a suicide, of Rotary president Serafin Mitrotti. Mitrotti was not known as an opponent of the Government. The September 1985 murder of Hugo Spadafora, a critic of PDF Commander Manuel Antonio Noriega, also remains a source of tension between the Government and the opposition. On December 19, 1985, the Attorney General formally closed his investigation of the Spadafora case and sent the file to the Fourth Superior Court in Chiriqui Province for the investigation of charges of complicity in the murder against three members of the PDF. In February 1986, the Court dismissed these charges and effectively closed the case. It appears unlikely that it will be reopened, despite the efforts of the Spadafora family and opposition elements to keep public attention focused on it.

b. Disappearance

No disappearances were reported in 1986.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits measures that harm the physical, mental, or moral integrity of persons under detention. Although there is no indication of systematic abuse of prisoners, there have been credible reports of instances of PDF abuse of detainees. For example, both opposition and other media reported that agents of the PDF's intelligence branch struck and kicked 10 members of the Christian Democratic Youth Movement detained October 8 for their role in the seizure of the office of the Legislative Assembly president. The opposition press has reported three other instances of PDF abuse of detainees during 1986: the tabloid Extra reported February 22 that an epileptic was beaten by three members of the PDF; La Prensa reported August 12 that a complaint was filed against a PDF junior officer for beating a father and son after illegally entering their home; La Prensa reported September 27 that a law school student was admitted to a clinic in critical condition due to a beating by PDF members after he was arrested for participating in the September 26 occupation of the Social Security Fund offices.

Overcrowding in Panama's prisons continues to be a major problem. This is attributed to a lack of funding and an overburdened judicial system. The average population of the Central Men's Prison in Panama City, built in 1925 to accommodate 225, is now well over 700. Prisoners must "rent" beds from other inmates or sleep on the floor. Food rations are basic, largely rice. Supplemental foodstuffs and other prison services not provided may be purchased by those able to pay. There have been occasional newspaper articles criticizing the conditions in the prisons and charging that they violate internationally recognized human rights.

The El Renacer Rehabilitation Center, formerly the Canal Zone Prison, has recently undertaken a number of reforms, including better treatment of prisoners in terms of diet and physical and mental health. There have also been improvements in building maintenance and staff discipline and a general effort to make the facility a true "rehabilitation center."

d. Arbitrary Arrest, Detention, or Exile

The Constitution establishes the right of a detained person to a judicial determination of the legality of his detention and requires warrants for arrest, except for persons arrested during the commission of a crime. A suspect may be detained for no more than 24 hours without being charged and brought before a magistrate. The police must inform accused persons immediately of the reasons for their detention and of their constitutional and legal rights. Failure to comply with these constitutional provisions has led to invalidation of sentences.

However, constitutional guarantees are not always honored. For example, opposition columnist Guillermo Sanchez Borbon was detained for several hours on February 18 after presenting himself at the public prosecutor's office to give testimony on libel charges growing out of the Spadafora murder case. He was never informed of the reasons for his detention. Sanchez was released after a few hours when friends and supporters

posted $5,000 bail. He subsequently printed an account of his experiences while detained, including threats of physical abuse by other inmates.

In a letter to the editor of The New York Times, a U.S. citizen, Jack Sachs, detailed his illegal detention by the investigative branch of the PDF. Mr. Sachs, traveling in Panama on private business, was detained on July 10, held for nearly 5 days without being charged or informed of the reasons for his detention, and was refused permission to telephone his family or the U.S. Embassy. On July 14, despite a judge's finding that there was no legal basis for holding him, Sachs was turned over to Panamanian Immigration officials rather than being released from custody. He was deported the following day, again without being informed of the reason for this action.

After being charged with a criminal offense, an accused person may be held for as long as necessary for authorities to conduct the investigation and bring the case to trial. The judicial system suffers from a chronic backlog, frequently resulting in prison stays of up to 1 year for detainees awaiting trial. Much of the overcrowding in the prisons is a result of the large number of such detainees. Time spent in jail awaiting trial counts toward completion of the final sentence for those convicted.

There have been reliable and frequent reports that defense attorneys ask clients for funds to bribe judicial authorities to move their clients' cases forward on court dockets or to secure their release from jail without benefit of a court order. There have also been credible reports that detainees secure release by bribing prison and immigration officials.

The possibility of conditional release from custody on bail exists for persons accused of most crimes. The most noteworthy exception is for international narcotics trafficking; an individual accused of this crime is explicitly denied recourse to bail.

Under Panama's criminal code, a convict may be required to perform labor on public works projects if the sentencing judge so specifies. The prisoner's sentence is reduced by 2 days for every day spent in such work. There is no other legally sanctioned compulsory labor.

The Constitution prohibits punishment by exile.

e. Denial of Fair Public Trial

Persons charged with crimes are presumed innocent until proven guilty and have the right to counsel. The local bar association and national university law school offer legal counsel at nominal fees. The Government provides public defenders for indigent defendants but only after the pretrial phase. Although the criminal code provides for public trials based on oral testimony and argument, in practice most trial procedures are conducted with written presentations by the prosecution and defense without the presence of the accused; the defendant is rarely present during the trial procedure. The documents produced are available for examination by both sides. In general, the burden of proof rests on the prosecutor. The right to appeal a verdict is available the to prosecution and the defense. Homicide cases differ from normal procedure in that the accused is present and is tried in

an open courtroom. A guilty verdict and sentencing in homicide cases results in automatic appeal.

Although the Constitution prohibits self-incrimination, there have been charges that juveniles and poor people with criminal records have been detained and pressured during interrogation to confess to crimes they may not have committed. Other reported practices--publicly criticized in the Panamanian press by government officials and private citizens--include summary proceedings and convictions for misdemeanors by police magistrates or night court judges without duly prescribed defense counsel. Although crimes tried before police magistrates are considered to be minor offenses, these courts have the authority to impose burdensome penalties on those found guilty. The magistrate courts may sentence a person to corrective detention for up to 1 year, restrict a person's freedom of movement by house arrest, and impose fines up to $600. The sentences of police courts may be appealed in some, but not all, cases to the next higher official in the police hierarchy, usually the mayor or governor.

The Supreme Court is chartered to uphold the Constitution and the laws. Magistrates are barred from simultaneously holding other public office or otherwise participating in politics. Supreme Court magistrates, who are nominated by the President with the consent of the Legislative Assembly, nominate all lower court judges. The President, with the consent of the Legislative Assembly, appoints the Attorney General. The Attorney General appoints superior court district attorneys, who in turn nominate circuit district attorneys. Many legal authorities, including one Supreme Court magistrate, have publicly questioned the integrity of the judicial system. Opponents of the Government have charged that the Supreme Court is subservient to the PDF.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

Privacy of the family generally is respected. Under the Constitution, judicial warrants must be issued before officials may enter homes. Members of the opposition have reported receiving anonymous telephone calls threatening them and their families. They attribute these calls to the intelligence branch of the PDF.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and press, and both the progovernment and opposition press exercise these freedoms. The Panamanian media regularly report criticism of government officials and policies expressed in the Legislative Assembly and by the general public.

Nevertheless, there was some erosion of freedom of expression in Panama in 1986. The Government, specifically the Ministry of Government and Justice (MGJ), has repeatedly applied a controversial libel law (Law 11 of 1978) against opposition journalists and newspapers. Law 11 permits sanctions ranging from public admonition and fines to the closing of media outlets. The Ministry's rulings can be appealed to judicial authority on procedural but not substantive grounds. The main opposition daily La Prensa and the tabloid Extra, which frequently criticize government officials and policy, have

found themselves increasingly under pressure; the MGJ has required them to substantiate their reporting--and on one occasion an editorial--with "evidence," or suffer administrative sanction.

On May 27, the Minister of Government and Justice announced a government campaign to regulate the media and ensure that all were complying with Panamanian law. The MGJ issued two judgments against the progovernment Renovation Press (ERSA) group in 1986 and over a dozen against the opposition. In January, the MGJ fined the ERSA publication La Republica $500 for printing an inaccurate article about a local civic leader. In early June, the MGJ fined ERSA journalist Carlos Nunez $2,500 for his article carried by progovernment Critica charging that a Panamanian citizen had been denied exit from the country by court order. At the same time, the MGJ warned Critica to cease publishing caricatures of political personages.

The MGJ's pressure has focused primarily on two opposition journalists--Guillermo Sanchez Borbon and Miguel Antonio Bernal--and two opposition media outlets--La Prensa and Radio Mundial. As noted, Sanchez was detained without charges for several hours on February 18. He was summoned to appear again at the prosecutor's office on July 9, but instead sought asylum at the Venezuelan Embassy, departed Panama, and remains in voluntary exile. Sanchez said he had been warned by a Government source that if he appeared he would be jailed again, this time without bail.

Bernal also was summoned to the public prosecutor's office on July 9 to respond to a calumny charge filed by the Minister of the Presidency. Upon finishing his statement, Bernal was arrested. He was released several hours later, after supporters posted the maximum $5,000 bail. Earlier in the year the MGJ had revoked "for life" Bernal's radio broadcasting license and fined him $2,500 for his alleged inability to substantiate statements he made during an April 15 broadcast on Radio Mundial characterizing Panama as a "center of narcotics trafficking." The MGJ's fine was the maximum permissible under Panamanian law. The Supreme Court denied Bernal's appeal of the judgment, stating that he had not exhausted the administrative means available for appeal.

Acting under the provisions of Law 11, the MGJ issued a formal citation demanding that the opposition daily La Prensa substantiate statements in its July 9 editorial charging that the administration of justice in Panama is corrupt and an instrument of state power. This citation was noteworthy because it applied to a statement of judgment rather than of fact. La Prensa presented what it considered the evidence supporting its editorial opinion and subsequently challenged the constitutionality of Law 11. Another opposition paper, Extra, joined the challenge after it too was fined for antigovernment statements. On December 18, the Supreme Court ruled that Law 11 is constitutional, a decision which could have a significant negative impact on freedom of expression in Panama.

The opposition's access to the electronic media is limited. Opposition figures own no television stations in Panama, and only five radio stations. Opposition groups charge that they are unable, for political reasons, to acquire radio or television licenses from the Government.

PANAMA

On May 22, the MGJ closed Radio Mundial, the only opposition-owned radio station in the capital, stating that the station was operating on an unauthorized FM frequency, one it had been using for nine years. Radio Mundial was owned by opposition politician Carlos Ivan Zuniga and included among its commentators well-known opposition legislators. Zuniga subsequently completed a number of modifications to bring the station into compliance with broadcast regulations. The Government permitted Radio Mundial to resume broadcasting on October 18.

The MGJ also closed another Zuniga-owned station, Radio 10, in an interior province, again for unauthorized use of a frequency. The closing came in the midst of a Radio 10 campaign urging listeners to participate in a rally in Panama City for Hugo Spadafora.

Official pressure on the opposition media can be applied in other ways. On January 29, the state electricity company, IRHE, cut off power to the sensationalist tabloid El Siglo. The newspaper claimed that its electricity payments were current. Semi-independent La Estrella de Panama printed El Siglo's editions until power was restored. On April 9, IHRE cut power to three radio stations owned by the brother of a progovernment, but independent, legislator, stating that the stations had been "misbilled," and were $15,000 in arrears on their electric bill. The "misbilling" was discovered by IHRE shortly after one station featured an interview with the Spadafora family attorney. Although IRHE accepted responsibility for the error, it offered no special arrangements to settle the account. By contrast, three months' grace was accorded the Government's Democratic Revolutionary Party (PRD) after the opposition Christian Democratic Party discovered and publicized that the PRD was $121,720 in arrears with IHRE.

There were incidents of physical violence directed largely against opposition journalists and media, none of which has been solved. On January 12, unidentified persons fired shotguns and damaged an automobile parked at La Prensa owned by the newspaper's legal advisor. On March 16, the transmission tower of progovernment Radio Poderoso Stereo, in the interior city of Aguadulce, was sabotaged, resulting in $25,000 damage. Similarly, on March 25, dynamite was discovered wired to the transmission tower of opposition Radio Belen in Santiago, Veraguas. On May 3, Christian Democratic (PDC) legislator and radio commentator Carlos Arellano Lennox suffered facial burns when an unknown assailant threw a caustic substance at him. On June 29, an automobile belonging to Emilio de Leon, legal advisor for Extra and leader of the opposition Molirena Party, was firebombed and destroyed.

The three newspapers of the ERSA group are responsive to directives from the Government. Absent guidance, however, individual columnists write freely about a wide range of topics. The Inter-American Press Association recently reissued its call for the return of the ERSA papers to their previous owners. These papers were expropriated by the PDF following the 1968 military coup that brought the late General Omar Torrijos to power.

There is no academic censorship and no censorship of foreign newspapers, magazines, books, or cable television programing.

b. Freedom of Peaceful Assembly and Association

The Constitution guarantees the right of peaceful assembly. Twenty-four hours advance notice, but not government permission, is required for open-air meetings. Professional, social, and political groups meet without interference.

The PDF did not interfere with the political events commemorating Hugo Spadafora's death. The Spadafora family organized a 300-kilometer march in March 1986, a June 23 rally at the Attorney General's office to denounce PDF Commander Noriega's alleged complicity in the murder, and a memorial mass on September 13.

Panama's organized labor movement is small but well established. Both the Constitution and the labor code guarantee fundamental worker rights, and workers enjoy a wide range of benefits under the law. The rights to establish unions, to bargain collectively, and to strike are generally unrestricted in the private sector as well as in certain public sector agencies specified by law. According to Labor Ministry statistics, about 17 percent of the employed work force belong to unions. In March 1986, the umbrella National Council of Organized Workers (CONATO) carried out a 10-day general strike protesting the government's reform of the labor code. The Government declared the strike illegal but took no punitive action against the protesters. Some labor organizations later charged that workers at several enterprises were dismissed for having absented themselves from their jobs to participate in the protest. Most public sector employees are not permitted to form unions or to strike, but they may establish representative associations and have access to government dispute resolution procedures. In practice, the Government has frequently shown tolerance toward illegal work stoppages at public institutions. A source of concern among democratic labor leaders is the limitation placed on the right of employees in the Colon Free Zone and the offshore banking sector to organize unions.

Elections within Panamanian labor organizations, as well as employer and professional associations, are generally democratic and free from government interference. These organizations are unrestricted in their right to affiliate to international bodies, and their members may freely participate in political parties and other aspects of Panamanian political life, although many employees are allegedly forced to join their employers' political party. The Government periodically consults with organized labor and employer groups on a range of public policy issues, and both sectors are entitled by statute to representation on important government boards, such as those governing the Social Security Fund and the Vocational Training Institute, and on mediation-conciliation panels. Because of political differences between the labor sector and the Government over reform of the labor code, CONATO refused to exercise its legal prerogative to designate Panama's worker delegate to the International Labor Organization (ILO) conference in June 1986; it nonetheless filed a complaint with the ILO challenging the Labor Ministry's subsequent invitation to an independent labor group to name the worker delegate. The ILO credentials committee rejected the CONATO complaint.

During the March demonstrations and strikes protesting the Legislative Assembly's reform of the labor code, the riot police shot and killed a young man mistaken for a looter. Several of the protesting workers' groups cited this death as

a manifestation of PDF violence against the strikers. The young man's quick burial was criticized as a PDF attempt to prevent large gatherings at his funeral.

c. Freedom of Religion

The Constitution guarantees religious freedom to all; there is no state religion. There are no restrictions on the free exercise of religious beliefs, including proselytizing, and a broad range of religious groups operates freely in Panama. Religious beliefs are not an issue for any of the national political parties.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution permits Panamanians to move freely within the country and to emigrate, and these rights are honored in practice. It also prohibits compulsory exile and extradition of Panamanian nationals. Some persons exiled by previous regimes have returned and resumed full participation in Panamanian society. Exiles choosing to remain abroad have been officially urged to return to Panama.

Panama has accepted refugees of widely differing ideological persuasions, and hundreds of displaced persons and exiles from other countries reside in Panama. Several hundred Salvadorans originally sponsored by the Government of Panama are now supporting themselves in a resettlement village. Several thousand Cubans are in Panama awaiting immigration to the United States; there has been an increase in the number of Nicaraguans entering Panama as well. No cases of forcible repatriation of political exiles occurred in 1986.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The 1984 general elections, the first direct presidential and legislative elections in 16 years, constitute a continuing source of friction between the Government and the political opposition. It is widely accepted that the PDF engineered the current Government's election victory by tampering with the vote count. The next general elections are scheduled for 1989.

The PDF remained the dominant political force in the country. There have been numerous allegations that it controls the governing Democratic Revolutionary Party (PRD) and interferes in the legislative process. There is strong evidence that the PDF played the dominant role within the PRD in the selection of the 1986-87 president of the Legislative Assembly. The PRD by itself has an absolute majority (34 of 67) in the Legislative Assembly; together with allied parties it controls about two-thirds of the votes in that body.

Both progovernment and opposition legislators speak on the assembly floor. However, the opposition has charged that the PRD frequently manipulates debate so as to limit time available to the opposition. To express dissent, opposition legislators have absented themselves from the Assembly during key votes. Their views are fully reported in the opposition press; opinions of the governing coalition parties are carried in the ERSA press.

Both the Government and opposition media have reported that many government employees are forced to join the political

party of the individual who heads the agency in which they work or face dismissal. There have also been frequent and credible charges that government employees are pressured by their supervisors to take part in official demonstrations.

Minority groups, including women, blacks and Indians, are represented in the Legislative Assembly, and participate in the political process.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has espoused human rights causes in the Organization of American States, the United Nations, and elsewhere. A private human rights committee, formed in Panama in 1978, continued to operate freely in 1986 and expressed concern over local political and human rights. Articles and editorials critical of the PDF's record on human rights, listing specific violations, appear frequently in the opposition press, many signed by members of the committee.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, birth out of wedlock, social class, sex, religion, or political views. Women are accorded equal political rights under Panamanian law and hold a number of important positions. The 67 members of the Legislative Assembly include 4 women, one of whom was elected to serve as First Vice President for the 1986-87 legislative session. Of the 134 alternate legislators, 23 are women. Four independent agency directors are women. Women also serve as Chief Justice of the Supreme Court, one of the three members of the Electoral Tribunal, and Director of the El Renacer Rehabilitation Center. Several women's organizations, such as UNIDAD and Accion Feminina, are active in Panamanian politics.

However, Panamanian women do not have the same opportunities for advancement as do men. This reflects both traditional bias and the current difficult economic climate. Because Panamanian law does not recognize community property, divorced or deserted women have been left destitute.

Female employment in urban Panama is concentrated in the service sector, where wages are lower. Although the Constitution mandates equal pay for equal work, wages paid to women are lower than those for equivalent work performed by males and increase at a slower rate. Comparatively fewer women than men participate in the labor force, and their participation seems to fluctuate as the job market expands and contracts. Government statistics showed that in 1980 women made up about 27 percent of the economically active work force, a slight decline from 1978. According to the 1980 census, women slightly outnumber men in the professional and technical fields, are twice as likely as men to be clerical office workers, and are grossly underrepresented at the managerial and administrative levels. Particularly in the poorer areas, many women are heads of households obligated to work for the government, usually as street cleaners, in order to receive government support funds. The labor code gives pregnant employees 12 weeks mandatory maternity leave and the right to return to their jobs.

PANAMA

Panama is a racially mixed country. The traditional monopoly of power by persons of European descent was effectively ended with the ouster of the civilian president by the National Guard in 1968. Blacks, Asians, and persons of mixed race are now active politically and are represented at senior levels of government, the Panama Defense Forces, and in the legislature, where there are also five Indians.

Prominent among the minorities which retain some degree of separate identity are English-speaking Jews, Arabs, Greeks, Chinese, East Indians, and North Americans. All of these groups play roles in Panama's urban economy well out of proportion to their numbers. There is no discrimination in law against these or any other social, religious, or cultural groups; however, naturalized citizens are forbidden to hold certain categories of elected office, and retail trade is constitutionally restricted to native Panamanians. While innumerable exceptions exist, Caucasians, Asians, and persons of mixed race tend to be better off economically and to occupy higher positions in government than Blacks and Indians; however, the latter groups participate fully in both the public and private sectors. Indian tribes receive government assistance, particularly in the areas of public health and welfare and education. They are not restricted to their tribal areas, but most remain there by choice, reflecting long-standing resistance to assimilation. Indians enjoy full voting rights and all other rights of Panamanian citizenship, as well as limited self-government in tribal areas. They play significant roles in the governments of four provinces. The Vice Minister of Government and Justice, who controls Indian Affairs, is a Kuna Indian.

CONDITIONS OF LABOR

Panama has a comprehensive labor code which gives extensive rights and benefits to workers. The maximum work week is 48 hours, and the law establishes a minimum wage for most worker categories and requires substantial bonuses to be paid for overtime. Although the 1986 labor code reforms released employers from the obligation to pay certain bonuses and overtime premiums, employers continue to be legally required to provide workers with compensation adequate for a decent life. Labor is prohibited for children under age 14, or under age 15 if the child has not completed primary school. Hazardous and night work is prohibited for persons under age 18. Children between ages 12 and 14 may perform farm or domestic labor as long as the work is light and does not interfere with schooling. In addition, the labor code details numerous health and safety standards for all places of employment. The Ministry of Labor and Social Welfare is responsible for ensuring compliance with these regulations, but limited resources hamper strict enforcement of some labor code provisions.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: PANAMA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	12.0	74.5	33.3
LOANS...	5.0	7.9	7.5
GRANTS...	7.0	66.6	25.8
A.AID ...	10.7	74.3	33.3
LOANS...	5.0	7.9	7.5
GRANTS...	5.7	66.4	25.8
(SEC.SUPP.ASSIST.)...	0.0	50.0	13.2
B.FOOD FOR PEACE...	1.3	0.1	0.0
LOANS...	0.0	0.0	0.0
GRANTS...	1.3	0.1	0.0
TITLE I-TOTAL...	0.0	0.0	0.0
REPAY. IN $-LOANS...	0.0	0.0	0.0
PAY. IN FOR. CURR...	0.0	0.0	0.0
TITLE II-TOTAL...	1.3	0.1	0.0
E.RELIEF.EC.DEV & WFP.	0.3	0.1	0.0
VOL.RELIEF AGENCY...	1.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.1	0.0
LOANS...	0.0	0.0	0.0
GRANTS...	0.0	0.1	0.0
PEACE CORPS...	0.0	0.0	0.0
NARCOTICS...	0.0	0.0	0.0
OTHER...	0.0	0.1	0.0
II.MIL. ASSIST.-TOTAL...	13.5	10.6	8.2
LOANS...	5.0	0.0	3.8
GRANTS...	8.5	10.6	4.4
A.MAP GRANTS...	8.0	10.0	3.8
B.CREDIT FINANCING...	5.0	0.0	3.8
C.INTL MIL.ED.TRNG...	0.5	0.6	0.6
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS...	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	25.5	85.1	41.5
LOANS...	10.0	7.9	11.3
GRANTS...	15.5	77.2	30.2
OTHER US LOANS...	0.2	0.0	0.0
EX-IM BANK LOANS...	0.0	0.0	0.0
ALL OTHER...	0.2	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL...	82.6	137.4	23.2	1344.3
IBRD	74.2	51.0	0.0	595.8
IFC	0.0	37.5	23.2	69.0
IDA	0.0	0.0	0.0	0.0
IDB	8.4	48.7	0.0	648.2
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.0	0.1	0.0	26.8
OTHER-UN	0.0	0.1	0.0	4.5
EEC	0.0	0.0	0.0	0.0

PARAGUAY

Paraguay has had authoritarian regimes throughout its history. Since 1954, President Alfredo Stroessner has governed Paraguay through the Colorado Party, the military and police forces, and the government bureaucracy, all of which he dominates. He was elected in 1983 to a seventh term in a controlled election process. The situation in Paraguay continues to be characterized by the subordination of the legislative and judicial branches of government to the executive, and by the domination of the nation's political life by the ruling Colorado Party.

Elections are held every 5 years for the presidency, the national legislature, and for municipal councils. However, the opposition's ability to conduct an effective campaign is severely restricted by the Government, and in practice no effective challenge to President Stroessner's authority is allowed. Since 1963, when it was first permitted to run candidates, the opposition has registered a majority or plurality only once, in 1963, in one of the smaller municipalities.

After a period of rapid economic growth in the late 1970's and early 1980's, Paraguay entered a steep recession. Following 2 years of decline, an agriculture-led economic recovery commenced in 1984. It was short-lived and, because of economic mismanagement, a period of drought, and low export prices, the economy again declined in 1986. The balance of payments remains in deficit, and substantial delays on servicing international obligations pose problems. On September 22, the Government announced a new economic program which includes badly needed exchange rate adjustment. By year's end, however, it had missed its self-imposed 60-day deadline for implementation of many of the proposed measures.

Violations of civil and political liberties continue, although the number of serious incidents has declined significantly since the mid-1970's. The state of siege provision of the Constitution, in effect almost without interruption since 1929, provides for detention of individuals without trial for an indefinite period of time. The police forces regularly arrest and hold persons arbitrarily, citing variously the state of siege authority, Paraguay's "antisubversive" statute, or, as was the case in most of the detentions which occurred in 1986, offering no rationale. Constitutional guarantees, such as protection of the integrity of the individual, the requirement for judicial warrants, freedom of assembly and association, the right to a judicial determination of the legality of arrest, and the provision for a prompt and impartial trial, are often ignored by government officials. Although there is no formal system of prior censorship, there are limitations on what the media are free to report and comment upon. A form of instant censorship of one radio station has been practiced by selective jamming of its broadcasts. Trade unionism is also restricted. An independent newspaper remains "indefinitely suspended" since 1984 by government order. The privacy of postal, telephonic, and telegraphic communication is not always respected.

During 1986, the use of police to suppress public rallies increased dramatically. The number of persons held for both short and prolonged periods for political activities increased. Nonetheless, the Government was more responsive in international human rights forums to questions concerning its human rights practices. During the course of the year, Paraguay received visits by representatives of the United

Nations Human Rights Commission (UNHRC), Americas Watch, Amnesty International, and the Washington Office on Latin America (WOLA). A few prominent political exiles returned to Paraguay. In at least one human rights related case, police officials were convicted of homicide and sent to prison. Other cases of abuse of authority, including charges against a military officer, remain pending. Subtle forms of repression, such as short periods of arbitrary detention without charges and efforts to intimidate the media through threats and closings, increased slightly. More serious human rights violations such as torture declined.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no confirmed instances of such killings, although human rights activists expressed concern about the unsolved murder of a politically active university student.

b. Disappearance

There have been no reported cases in recent years.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

As in past years, there were credible charges that police authorities had tortured and physically abused prisoners, which led in some cases to official disciplinary actions; in other cases officials denied the charges. Two police officials accused of killing a detained suspect in 1985 were sent to prison in 1986. There were other reports of such mistreatment or violence in 1986. In January a domestic employee alleged torture and attempted rape by police authorities in Asuncion, the national capital, while she was detained on suspicion of robbery. A similar case occurred 2 months later. In April a robbery suspect alleged he was choked and beaten by police. There were three separate incidents of suspects or prisoners being shot and killed by police, one involving three suspected car thieves in May. Family members filed charges against the police in all three cases. An army officer reportedly severely injured a suspected cattle rustler while extracting a confession; there is no record of any legal action being taken in the case. In June three police were accused of having shot and killed a suspect in a rural area; they were charged in September. In July two peasants were killed by an army officer during an attempt to evict a large group of squatters; charges have been filed. Police were accused of having beaten a merchant in Asuncion in August; charges have been filed and the accused officer has been confined at a military detention facility.

These reports of police violence were atypical in that they all appeared in the press. Physical mistreatment of suspects and prisoners by the police is believed to occur frequently, especially in the rural areas, but does not usually enter the public domain because the victim does not try to publicize the case. The so-called "investigations police" are reputed to engage regularly in such practices.

In most cases, detainees, once formally arraigned, go to regular prison facilities, where conditions are generally better than in police stations. Prisons are austere, especially the maximum security facilities administered directly by the Ministry of the Interior and the Asuncion police. Court and Justice Ministry officials visit prisons several times each year to examine conditions and interview prisoners. They do not regularly visit the maximum security facilities. Representatives of the International Committee of the Red Cross are permitted to visit persons held on security charges.

d. Arbitrary Arrest, Detention, or Exile

Detentions are used as a form of warning or punishment for those who criticize the Government or whose political beliefs or activities are deemed to be threatening to the regime. Sometimes police pick up individuals, hold them incommunicado, and release them after a few days, usually without the authorities ever bringing charges. Other detentions may last for weeks. The authorities have justified such detentions under the State of Siege. It provides that persons may be detained incommunicado without trial, and that public meetings and demonstrations may be banned in the event of war, foreign invasion, internal disturbance, or the serious threat of any of these conditions.

The Supreme Court continues to disqualify itself from hearing writs of habeas corpus filed during the State of Siege. Despite constitutional requirements that the State of Siege be imposed only for limited periods, it is renewed every 90 days; in practice it has been in effect almost continuously since 1929. The State of Siege was lifted outside the Asuncion area in 1978. However, backed by a court ruling that prisoners may be moved to Asuncion and held there, the authorities proceed as if the State of Siege were still in force throughout the country. Implementing legislation for the State of Siege, called for by the Constitution, has never been enacted. In its absence, the Government and courts have determined that State of Siege restrictions supersede the safeguards of fundamental rights contained elsewhere in the Constitution and the legal code. Several prominent legal scholars and the opposition political parties contest this interpretation.

The media reported that over 200 persons were arbitrarily detained for political activities in 1986, a figure more than double that of 1985. The Government occasionally cited law 209, the "antisubversive" statute, which provides for imprisonment of persons who "foment hatred," defame members of the Government, commit a variety of other acts, or are members of the Communist Party. Most individuals detained for political activity were released after varying periods of custody. There are exceptions. Opposition political leader Miguel Angel Saguier has been detained on sedition charges under law 209 since September 13, 1986. Dr. Carlos Filizzola and nurse Elsa Mereles, who was beaten by police at the time of her arrest, were released in December after being held for several weeks without charges, also under law 209; both are leaders of the medical workers association. Alejandro Stumpfs, another opposition leader, was released in December after 3 months of incommunicado and solitary detention under the State of Siege.

Over half the cases of arbitrary detention during 1986 resulted from unauthorized meetings of the Authentic Radical Liberal

Party (PLRA). Forty-eight members of that party were arrested in May during a rally. Most of them were released the same day, but 5 were brought to Asuncion where they were held without charge for 2 days. In November police forcibly broke up another PLRA meeting and arrested 62 people; 35 were not released until the following day. Using the lack of a permit to prevent meetings is a tactic also applied to dissident members of the ruling Colorado party and to labor and peasant organizers. One member of an opposition faction of the Colorado party reportedly was expelled from the country on May 1. Another Colorado functionary took refuge in the Argentine Embassy, claiming political persecution for anti-Stroessner statements he had made. The Government said there were no charges against him, and that he was free to leave the country. He was escorted by Argentine embassy officials to Argentina. At year's end, this person remains in self-exile while two of his brothers, one a military officer and the other a policeman, are detained without charges in apparent reprisal.

Forced labor is not permitted.

e. Denial of Fair Public Trial

In Paraguay, trials are conducted almost exclusively by presentation of written documents to a judge, who then renders a decision. All judgments are automatically reviewed by an appellate judge, and appeals to the Supreme Court are possible. Part of the trial process is open to the public and proceedings are reported in the press.

In theory, numerous safeguards set forth in the Constitution and the penal code protect the rights of the individual during the trial process. However, the judiciary has traditionally been subject to influence by the executive branch. Its members are appointed by the President for a 5-year term. Together with budgetary and other administrative shortcomings in the judicial system, executive interference can limit the right of an accused person to a fair, speedy trial. Most detainees are eventually released, not for having served their sentences but rather because they were detained prior to trial for the length of time required by law had they been tried, convicted, and sentenced.

Over the past 3 years, however, efforts have been made to improve the image of the judiciary, including the dismissal of corrupt judges and court staff. One judge, suspended in 1985 for accepting a bribe in a narcotics case, was found guilty in 1986 by the Supreme Court and removed from the bench. Nevertheless, because of the widespread perception that judicial protection depends on political, military, or economic power, there is fear of confronting political or police authority.

Three persons considered political prisoners by some human rights organizations continue to be incarcerated. They are held on criminal charges.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Government and security forces do not actively intervene as a matter of course in the daily life of most citizens. The Constitution stipulates that, except to prevent a crime, private homes may not be entered without a judicial warrant.

Although that provision has been increasingly respected in recent years, some private citizens complain that their right to privacy is being abused by security authorities. Leaders of an opposition faction of the Colorado Party who returned from exile in 1983 are under round-the-clock surveillance. They complain that their telephones are tapped, their private correspondence monitored, and their ability to move about restricted. Opposition figures, critics of the Government, and others have similarly complained about telephone tapping and interference with their mail and telegraphic communications, particularly foreign correspondence. The Government has denied these charges, but has taken no steps to investigate the accusations. While some publications critical of the Government circulate freely in the country, foreign newspapers, magazines, books, or other publications containing material critical of the Government are confiscated at the port of entry.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government has "indefinitely suspended" publication of the independent newspaper ABC Color since March 1984. It has also permitted a form of indirect censorship by tolerating the jamming of broadcasts of the country's popular and independent Radio Nanduti. By year's end the station was unable to broadcast anything but music and faced financial collapse. Despite broad constitutional guarantees of freedom of speech and the press, in practice there are limits to the amount and kinds of criticism the Government will tolerate. The media exercise a form of self-censorship, avoiding criticism of the President, the military, and key civilian leaders. The media also avoid sensitive topics such as national security matters and corruption. Similarly, the media, especially television, usually give little attention to the views of the political opposition. The agency which licenses radio stations has instructed that medium in writing not to air interviews with any politicians representing the "unrecognized" opposition. Only a few stations, such as Radio Nanduti and Radio Caritas, have defied this order. It is widely believed that ABC Color's suspension and the jamming of Radio Nanduti resulted from their continual pressure against these limits.

The Government's action against ABC Color was appealed to the Supreme Court, which ruled that the Minister of Interior had acted within his powers and in the public interest. Since then, the Government has considered the case closed. The jamming of Radio Nanduti also was taken to court, which requested a technical investigation by the National Telecommunications Administration. That agency replied that it did not have the equipment necessary to find the source of the jamming. No further action has been taken. On January 14, 1987, the station's owner announced that he was voluntarily suspending operations for 90 days because the jamming had caused his revenues to decline markedly.

The Government does allow a limited measure of press freedom. The Febrerista Revolutionary Party, one of the recognized opposition parties, publishes a weekly newspaper, El Pueblo, which regularly criticizes the Government and its policies in harsher terms than can be found in the daily press. The Catholic Church publishes a biweekly newspaper, Sendero, which prints articles sharply critical of government policies and actions, and touches on subjects considered sensitive by the

Government. The Catholic Church station, Radio Caritas, has tended to be nearly as outspoken as Radio Nanduti. As a result, a Spanish priest who directed the station was barred from returning to Paraguay during the year. Nuestro Tiempo, a monthly magazine supported by a Catholic Church official and largely staffed by former ABC Color employees, continued to be harassed by the Government. This magazine periodically prints its editions outside of Paraguay and runs the risk of seizure upon bringing them into the country. The formerly exiled faction of the Colorado party publishes a monthly newsletter, Patria Libre, which strongly criticizes the Government. The Government claims that it permits these periodical newspapers considerable latitude because their political bias is clearly established. These publications have less impact because of their small circulation. The ruling party publishes a daily paper, Patria, and operates a nationally broadcast radio commentary, Voice of the Colorado Party, which attack the political opposition.

The daily papers and some radio stations cover some activities of the political opposition, both recognized and unrecognized, as well as reports of abuse of authority. However, their coverage is not marked by the aggressive investigatory journalism which had characterized ABC Color.

Paraguay's two television stations are both privately owned by persons close to the regime. Their news programs are carefully self-censored and closely monitored, and nonconformist personnel are rarely tolerated for long. Their commentary lauds the Government, and their reporting on the activities of opposition parties or sensitive political issues is minimal.

Radio Caritas and Radio Nanduti have been notable for their willingness to broadcast controversial items of local news. Radio Nanduti, in particular, has specialized in carrying interviews with politicians of all parties, including those not legally recognized, sometimes on sensitive issues. In November, Radio Nanduti was jammed while attempting to broadcast an interview with a visiting representative of the U.S. Congress. Besides the jamming of this station, a member of its staff was ordered suspended by the Government for 3 months; in April it was attacked by a mob and sustained extensive damage; in May its transmitter was broken into, parts were stolen, and it was temporarily knocked out of operation. In December a clandestine radio transmitter with a powerful signal began broadcasting on Radio Nanduti's assigned frequency. On December 21, security forces arrested Oscar Acosta, a Radio Nanduti reporter, on unspecified charges, but judicial authorities ordered him released on January 13, 1987, for lack of evidence. Radio Nanduti has operated "illegally" in the sense that the Government has refused to accept payment for renewal of the station's license for several years.

b. Freedom of Peaceful Assembly and Association

Despite constitutional guarantees concerning the rights of peaceful assembly and association, these rights are often violated in practice. The authorities insist on permits for political meetings, then deny them to political parties that are not officially recognized. Under the State of Siege, police permission is required for any assembly of more than five unrelated persons. This requirement is not applied to organizations which are nonpolitical in nature. It is strictly enforced only in the case of gatherings sponsored by opposition political parties or other organizations critical of the

Government. For example, in 1986 the youth movement of the unrecognized Christian Democratic Party was forced to suspend elections because attempts to obtain permission for a meeting were unsuccessful. The provision is used at times to bar labor union meetings.

Police repression of political meetings and protest demonstrations increased steadily during the year. The usual weapons used by the police to break up these gatherings were either heavily weighted nightsticks, but it was reported they also used cattle prods and chains. In January suspected nonuniformed police attacked members of an opposition faction of the Colorado Party as uniformed police stood by. Two PLRA rallies, neither sanctioned by the authorities, were violently dispersed. Two further meetings of the same party were similarly broken up in April with several arrests. Also in April, police several times forcibly dispersed protests by medical workers and student groups from the medical, law, and other schools in Asuncion. During this period, a vigilante group of Colorado Party toughs reemerged in Asuncion to intimidate and assault protesting medical workers, with the apparent cooperation of police authorities. Massive use of police repression occurred on May 1 in response to an attempted demonstration organized by the Independent Workers Movement. Hundreds of demonstrators were brutally clubbed and several arrested. Later in the month, there were four further instances of forceful police action in Asuncion to disperse crowds, mostly composed of people leaving church services held in support of jailed protesters. Late in the year, demonstrations supporting hospital workers' calls for increased wages and better working conditions were disrupted repeatedly in Asuncion and several arrests were made. Although the detained leaders of the work action, Dr. Carlos Filizzola and Nurse Elsa Mereles, were later released, eyewitnesses reported that Nurse Mereles was severely beaten when arrested on December 5.

Most labor unions in Paraguay are members of the Paraguayan Workers Confederation (CPT), which claims to represent over 97 percent of organized labor. The confederation is allied with the Government and does not act as an independent voice for the Paraguayan worker. For example, during the last 2 years, the work force has experienced a loss of real purchasing power, but the CPT has touted periodic salary adjustments as demonstrating the Government's beneficence. Union officials know they would risk losing their positions if they antagonize the Government. Workers not sponsored by the CPT encounter difficulties in organizing. For example, independent union organizers at a dam construction site were jailed in 1985; at the same site in 1986, police tried to prevent an organizing meeting. In December several workers involved in independent labor activities at this project were jailed on criminal charges.

It is virtually impossible to call a legal strike because Paraguayan law requires a complex process of fact finding, arbitration and adjudication before a strike would be legal. There were no legal strikes during 1986.

A number of independent unions do exist in Paraguay, several organized at the company level. Some have been strong enough to bargain with management, despite efforts by private firms--sometimes supported by the Government--to resist their efforts.

Some of these independent unions have been granted legal recognition by the Government, but others have not, making it difficult or impossible for them to bargain effectively. In other cases, rival slates of officers friendly to the Government have emerged and been recognized. The pattern indicates strong government reluctance to recognize groups which it perceives to be independent of its control. The activities of independent unions are carefully monitored by the security forces and the Ministry of Labor.

International labor organizations do not maintain ties with the CPT. The International Confederation of Free Trade Unions (ICFTU) broke with the CPT several years ago and complained that the Government was systematically violating the rights of workers. Independent unions banded together in 1984 in the Movement of Independent Workers of Paraguay (MIT-P). The ICFTU and the Christian-Democratic Latin American Workers Central have recognized the MIT-P.

As a result of international expressions of concern, the Paraguayan Government committed itself in 1986 to cease sending police to union meetings, to recognize all unions which complied with the requirements of the labor code, and to assure that union elections are held in accordance with union statutes. However, it failed to comply with both the spirit and letter of its assurances, exemplified by the repression of new union-organizing efforts and a wave of labor-related arrests in late 1986.

In June 1985, Paraguay requested a direct contact mission from the International Labor Organization (ILO) to treat the issue of the application of Conventions 87 (freedom of association) and 98 (right to organize and collective bargaining). The areas of ILO concern deal with the lack of guarantees in Paraguayan law for such rights as collective bargaining, strikes in public sector enterprises, and protection from dismissal without indemnification or previous notice. The acceptance by the Government of the need for a direct contact mission, which visited in September 1985, reversed its previous position of completely disregarding ILO expressions of concern. The annual ILO report noted the Government's position on the cases under review and recommended to the Government more careful future observance of ILO conventions.

c. Freedom of Religion

The Constitution establishes Roman Catholicism as the official state religion, but it also guarantees freedom of conscience for other denominations. With very few exceptions, this freedom is respected. Adherence to a particular creed confers no advantages or disadvantages within Paraguayan society, and conversion from one faith or sect to another is socially acceptable.

Many denominations conduct their activities freely and foreign missionaries are, for the most part, permitted to enter the country and proselytize. However, current law prohibits the granting of legal status to any new religious groups, and a few evangelical churches have been unable to obtain government approval of their operations. The Jehovah's Witnesses lost legal registration in 1979. The church filed an appeal with the Supreme Court, but no action has been taken. Under orders of the Ministry of Education, Jehovah's Witness children have been expelled from school because of their refusal to salute the national flag or sing the national anthem. Lower courts

found in favor of the children, but the cases were overturned on appeal. In 1986 the Supreme Court ruled that the church members had not yet exhausted administrative remedies and declined to rule on the case.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for freedom of movement, which is usually not restricted within the country. Most citizens may enter or leave the country freely. However, one opposition politician on a domestic flight was denied permission for political reasons to deplane at a rural airport.

Over the years, many political opponents of the Government have either been forced or have gone voluntarily into exile. In 1983 the Interior Minister stated that with the exception of two prominent opposition figures--Domingo Laino and Luis Resck--all exiles would be permitted to return. As a result, a number of political figures, many in exile for over 20 years, returned. However, leaders of an exiled faction of the Colorado party who returned are restricted in their movements, both within the country and on entering or leaving it.

Domingo Laino, who tried to return from exile in June, was forcibly prevented from deplaning and was beaten by civilian-clad police, as were other passengers accompanying him. Luis Resck, however, was permitted to return during the year and has encountered no restrictions on his activities. A prominent leader of the exile faction of the CPT also returned during the year. A number of the returnees have been subjected to various forms of harassment, temporary detention, and internal exile by the Government. The Government has equivocated regarding the return from exile of Augusto Roa Bastos, a leftist novelist.

One exile, labeled a Communist by the Government, returned temporarily to Paraguay after 40 years in exile and encountered no problems other than organized heckling and criticism in the government-controlled media.

Members of one unrecognized political party have complained about a police requirement that they report 48 hours in advance any plan to depart the country. Opposition figures and human rights activists occasionally encounter difficulties in obtaining passports.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

President Stroessner dominates the Paraguayan political system. He exercises political control through the Colorado Party, which administers public patronage, and security control through the military and police forces, which maintain public order. The legislative branch, consisting of a Senate and a Chamber of Deputies, is responsive to the desires of the President on all important matters. The party receiving a plurality in the elections is automatically awarded two-thirds of the congressional seats, with the remaining one-third going to the opposition. The Colorado Party's statutory two-thirds majority in both houses gives it complete control of the legislature. There has been no recent occasion when the legislative branch has rejected any significant government proposal or policy. In 1986 three members of the ruling party who voted against a Japanese loan for an airport construction project were faced with an effort to dismiss them from the

Congress. The opposition in the legislature is currently divided between two parties. Their presence allows them to express their views and criticize the Government, but they have no real power.

General elections take place every 5 years for the presidency and the legislature and were last held in 1983. Municipal elections, held in 1985, also occur every 5 years. Voting is mandatory for all Paraguayans 18 to 60 years of age. However, sanctions for not voting usually are not applied except for public service employees. Besides the two opposition parties which participate in elections, there is another which, although legally recognized, does not currently present candidates; its position is that the Government's control over the political process makes such participation meaningless. The absence of some opposition political parties, the system of indirect selection of candidates, and the control of the electoral machinery by the Colorado Party constitute a seriously flawed election process. Secret ballot provisions frequently are not respected. votes are counted in many cases without the presence of opposition poll watchers, and in some jurisdictions the Colorado Party has ended up with more votes than the number of registered voters. Since the Stroessner regime began permitting the opposition to participate in elections in 1963, the opposition has won only one municipal election contest. Access to employment in the Government, including the teaching staffs of the public schools and national university, most public hospitals, many state enterprises, and the judiciary, as well as the officer ranks of the security services, is limited in practice to members of the Colorado Party. Therefore, individuals often join it for economic and social advantages. At the local level, police and other government officials use their considerable authority to support the party. Even within the Colorado Party, which has been conducting periodic elections in its base organizational units, there have been several recent instances of coercion, purges, and questionable voting practices in an apparent effort to defeat reformist elements within the party.

In addition to the three legally recognized opposition parties, there are also three unrecognized political parties which cannot legally participate in the electoral process. These are the Christian Democratic Party, the Authentic Radical Liberal Party, and a faction of the Colorado Party calling itself the Popular Colorado Movement. They form an opposition coalition, the National Accord, with the Febrerista Party, which does enjoy legal recognition. One of the coalition's primary tenets is nonparticipation in elections until the process has been opened up. The Government's position is that unrecognized parties do not have the legal right to meet or stage public rallies, although these parties occasionally have managed to hold meetings under the cover of permits obtained by the recognized Febrerista Party. Even if one of these unrecognized parties wished to seek inscription of the 10,000 registered voters required for recognition, there is no procedure for public meetings to facilitate that objective.

The Episcopal Conference of the Paraguayan Catholic Church initiated a national dialogue among political and social sectors to faciliate a peaceful transition to a more open, democratic system. However, the Government has refused to participate.

PARAGUAY

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government describes negative comments about its human rights performance from outside sources as unwarranted interference in Paraguay's internal affairs. Nonetheless, the Government has answered charges and defended its record in the UNHRC. In 1986 the Government received an observer from the UNHRC, as well as representatives of Amnesty International, Americas Watch, and WOLA. The Government has not acceded to a long-standing request from the Inter-American Human Rights Commission that it be invited to visit Paraguay.

A number of local private organizations continued their efforts during 1986 to protect individual liberties. These included the Committee of Churches, which is supported by foreign church groups; the Paraguayan Human Rights Commission; the Paraguayan Chapter of the Association of Latin American Lawyers for the Defense of Human Rights; and a new organization known as Prodemos, which includes a Roman Catholic bishop in its leadership. Opposition political parties and media also have sought to publicize human rights problems and to express support for a more open and democratic society. In addition to publicizing cases of violations, these groups have provided legal assistance to defendants in a variety of civil and criminal cases. Their efforts have also helped to keep human rights abuses under international scrutiny and to secure the release of a number of detainees. Government spokesmen are often critical of the work of both foreign and local human rights organizations. Some local human rights activists complain of government harassment and interference with their mail.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Paraguay is a relatively fluid society and there is no legislated discrimination against citizens on the basis of social status or race. Paraguay's estimated 72,000 unassimilated Indians, however, probably do not benefit equally from social services available to those in the mainstream of Paraguayan society.

The problems of the Indian population continue to receive wide publicity in the Paraguayan media. Most Paraguayans are partially of Indian descent and do not practice discrimination on the basis of race.

The Constitution guarantees "the equality of civil and political rights" of women, but women play a minor role in the political life of Paraguay. The executive and judicial branches of government have only a few prominent female officials; there are 2 women in the 90-member Congress. While the traditional social system limits the participation of women, they have long been economically active, particularly those from lower income groups. Increasing numbers are participating in business, the professions, and the artistic world. However, women usually receive less remuneration than men for comparable work. Three organizations are concerned with women's rights: an auxiliary of the Colorado party; the Union of Paraguayan Women, an organization founded in 1982 by a former opposition member of the Congress; and, the Paraguayan

PARAGUAY

Center for Women's Studies, a new organization of professional women.

Guarani, the major indigenous language, shares equal legal status with Spanish as an official language and is taught in schools. Some Paraguayans speak only Guarani.

Anti-Semitism surfaced in Asuncion in the form of anonymous handbills, graffiti, and defacement of property identified as Jewish-owned during 1986. The Government reacted belatedly by arresting individuals who appear to have been responsible. They are charged with disturbing the public order under law 209, which normally is applied to political offenses.

CONDITIONS OF LABOR

The Paraguayan labor code contains minimum guarantees of worker rights and benefits. Public sector, temporary, and domestic workers are not covered under this law. According to the code, maximum hours are set at 8 hours per day or 7 hours for night work, with 1 day of rest per week. A minimum wage is established, depending on the type of work and the region, and is based on the cost of living. The law provides for an annual bonus equal to 1 month's salary. Minors between 15 and 18 years of age may be employed only with parental authorization and cannot be employed in dangerous or unhealthy conditions. These same standards apply to youths between 12 and 15 years of age, with the additional restriction that work be at a family enterprise, an apprenticeship, or an agricultural endeavor.

Married women require their husband's consent to enter a labor contract; however, labor contracts may not be denied to women who worked prior to marriage. Paid maternity leave of 12 weeks, 6 prior to and 6 after birth, is required. Day care centers for children under 2 years of age are mandatory for enterprises employing more than 50 women. Severance pay is specified, and compensation is provided for in case of unjustified dismissal. The labor code also governs conditions of safety, hygiene, and comfort. The absence of a strong independent trade union movement and the slowness of the labor law system to correct abuses result in the frequent failure to apply the protections of the labor code.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: PARAGUAY

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	2.7	3.5	3.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.7	3.5	3.1
A.AID	0.2	1.0	1.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.2	1.0	1.1
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	2.5	2.5	2.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.5	2.5	2.0
PEACE CORPS.....	2.1	1.9	1.8
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.4	0.6	0.2
II.MIL. ASSIST.-TOTAL...	0.1	0.1	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.1	0.1
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.1	0.1	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	2.8	3.6	3.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.8	3.6	3.2
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	45.4	40.3	0.0	1090.4
IBRD	30.0	0.0	0.0	457.6
IFC	0.3	0.8	0.0	18.0
IDA	0.0	0.0	0.0	45.5
IDB	14.1	37.5	0.0	533.8
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	1.0	1.0	0.0	28.0
OTHER-UN	0.0	1.0	0.0	7.5
EEC	0.0	0.0	0.0	0.0

PERU

Peru has a freely elected democratic government, with an executive branch headed by a president, a bicameral legislature, an independent judiciary, and an autonomous attorney general/public defender. Political representation in Congress ranges from conservative to Marxist. Independent trade unions are active. Although there are allegations of government pressure on the media, all opposition groups can freely express their views. Peru's history has been punctuated by periods of military rule, most recently from 1968 to 1980. Peru held general elections in April 1985, and municipal elections were held in November 1986. The opposition claimed there were improprieties in a few close, important races; as of early January 1987, the elections board had not ruled on the validity of all the allegations registered. President Alan Garcia took office in July 1985, marking the first transfer of power between democratically elected presidents in 40 years and the first accession to power of the American Popular Revolutionary Alliance (APRA) in its 60 years of existence. The new administration has repeatedly stated the importance it places on respect for human rights.

Peru has a mixed economy with a large private sector, and private property is generally respected. Natural disasters and low commodity prices have seriously affected the economy in recent years, and per capita income has declined to the 1966 level. The Government has initiated an ambitious development program to improve conditions of the poor, focusing on mountain areas most affected by terrorism.

Since 1980 the Maoist terrorist group "Sendero Luminoso" ("Shining Path") has worked to undermine democratic institutions. Rejecting calls for dialogue, and lacking widespread popular support, Sendero has assassinated local authorities, members of the security forces, and APRA party members, and has destroyed economic infrastructure. During 1986 Sendero stepped up its attacks in the capital, Lima, and in rural areas, killing over 425 persons between January and August. Although not alone in committing abuses, Sendero is a major human rights violator and bears heavy responsibility for the rise in violence in Peru.

Three police services play an important role in combating terrorism, reporting to the President through the Interior Ministry. The antiterrorist role of the armed forces has increased dramatically since 1983, as all executive branch authority is vested in the local military command in areas under a state of emergency. A state of emergency, declared by the President, suspends restrictions on arbitrary detention and search warrants and restricts the rights to movement and assembly. By 1986 such measures were in effect in 24 of Peru's 181 provinces, including Lima.

In 1986 there were reports of government abuses, including summary executions, disappearances, torture, and arbitrary arrests. Although allegations of disappearances continued to drop substantially, several cases of summary executions carried out by security forces were acknowledged by the Government in the course of the year.

During prison riots in June, security forces allegedly executed between 100 and 128 inmates after they had surrendered. Some 40 policemen accused of these summary executions are imprisoned awaiting investigation of this incident. Human rights groups expressed concern that summary executions had also taken place

at another prison during the riots. In Ayacucho, the military acknowledged that an army patrol had violated orders and executed seven alleged terrorists, and had reported the killings as casualties in an armed confrontation.

President Garcia has repeatedly stated his opposition to human rights abuses and his support for punishment of violators. After the prison riots, he promised a full investigation; however, the probe was repeatedly postponed, and none had begun by the end of the year. In the Ayacucho incident, the Army filed complaints with the military judicial system against the two officers in charge of the patrol and all other personnel responsible.

The judicial system faces significant problems in dealing with accused terrorists and human rights offenders. Civilian judges complain of terrorist threats and lack of police protection. In October the Government introduced legislation to create a protected civilian court system for terrorism cases. Military trials of human rights violations are closed and have yet to produce a conviction. A Navy officer accused of human rights violations disappeared in February; the Government did not investigate his disappearance, despite allegations he had fled with the help of his superiors.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Political killing has been a significant problem in Peru since 1980 when Sendero Luminoso began its terrorist attacks. Rejecting dialogue and committed to the overthrow of democracy, Sendero assassinated policemen, soldiers, local officials, and recalcitrant peasants, sometimes after torture or mock trials. Sendero also targeted rural infrastructure, destroying bridges and electrical transmission towers. In the cities, Sendero frequently bombed restaurants, shopping centers, movie theaters, and foreign embassies, and set off car bombs. In the countryside, Sendero often raided villages at night, dragging local officials from bed to face a mock trial and execution. The military reported 2,123 terrorist incidents nationwide between January and September. Attacks in Lima and rural areas resulted in the deaths of approximately 527 people between January and December, including 107 police and military personnel and 420 civilians. Sendero attacks included the February execution of 11 peasants in Apurimac Province; the March assassinations of the Ica Department prefect, a navy officer, and 2 labor leaders; the May assassination of an admiral and 3 APRA party members, and the destruction of a major railroad bridge; June bombings in a Lima plaza which killed 2 civilians; bombing of a tourist train in Cuzco which killed 8 persons, including 2 Americans; the murder of 5 development technicians in Ayacucho; and the October assassination of a bank president.

Two other terrorist groups, the Tupac Amaru Revolutionary Movement (MRTA) and the Peoples Revolutionary Command (CPR-MIR), were reported to have killed two people.

Since 1983 the armed forces have assumed major antiterrorist duties. Terrorist casualties mounted as did allegations of both accidental and deliberate military killings of civilians,

in addition to summary executions of terrorists. According to press and army communiques, the armed forces had killed about 813 terrorists as of August. Peruvian human rights groups believe this figure includes summary executions of both suspected terrorists and innocent persons. Some observers claim that the number of extrajudicial killings by security forces, which had declined during 1985, rose in 1986. Such allegations often are difficult to evaluate: official communiques frequently lack important information about victims; local authorities often refuse to investigate; and the threat of violence discourages private observers from traveling in conflictive areas.

Some claims of government abuses appear politically motivated. An alleged 1985 military bombardment of Chapi, a village with a population of 300, supposedly killed 3,000 people. A brief congressional investigation found Chapi deserted, but no proof of aerial bombardment, massive deaths, or any hard evidence of human rights violations. However, the Government's public acknowledgment that military and police forces went beyond the scope of their orders indicates that serious problems remain in the conduct of counterterrorist operations. The most recent example occurred in October in the towns of Pomatambo and Parcco. A military communique claimed that 13 terrorists had died there in a clash with an army patrol. Journalists later uncovered evidence that 12 of the persons had been summarily executed by soldiers and their corpses burned. The victims included 2 children and 2 persons over 80 years old. The military subsequently acknowledged that the patrol had executed 7 suspected terrorists, and killed 5 others in a firefight; it said those responsible would be investigated and charged in military courts. The military reportedly has not cooperated with an investigation by a district attorney in the case. A congressional commission named to look into the incident has not received permission from the Congress to travel to the site.

The security forces' actions in response to the June 18 riots by Sendero inmates at three Lima prisons were widely condemned. Sendero members had controlled special terrorist cellblocks for some time. The inmates were armed and in El Fronton prison had built tunnels and bunkers. The Government Peace Commission, established in late 1985, unsuccessfully attempted to persuade the rioters to release their hostages and permit authorities to regain control over the cellblocks. After consulting the Cabinet and his military advisers on June 18, President Garcia ordered military and police forces to retake the three prisons. Approximately 234 prisoners died in the 2-day assault on El Fronton, Lurigancho, and Santa Barbara prisons. At El Fronton the Navy initially reported 30 prisoners dead and 35 captured; the bodies of an estimated 78 prisoners were allegedly buried in the rubble of a maze of tunnels constructed and fortified by the inmates. At Lurigancho all 124 Sendero prisoners perished. At the Santa Barbara women's prison two prisoners died in the attack. The military excluded civilian authorities from the prisons, reportedly carried out cursory autopsies, and buried the bodies in scattered cemeteries without notifying relatives.

As a result of the heavy death toll, the Government issued a communique June 21 in which it "presumed" that security forces had committed "excesses," and called upon the military, the Public Ministry, and the Congress to investigate. On June 24 President Garcia announced that 95 policemen had been detained in connection with the summary execution of "30 to 40" inmates at Lurigancho, later revised to "over 100". Garcia reiterated his government's strong commitment to human rights and

announced that those responsible for the killings would be punished. The Justice Minister and the Prison Institute director, who had been in office only a few months, resigned. Although Army General Jorge Rabanal commanded the overall operation at Lurigancho, an army investigation concluded that the police had carried out the executions. The police countered that the policemen were under Army command. The police inspector general's report submitted to Congress placed Police Chief Martinez Lira and General Rabanal at the scene of the executions. The Attorney General's report failed to establish responsibility. Congress, controlled by the government party, did not name an investigative commission until August 22; it then appointed an opposition member as the commission president without first consulting him. The person chosen resigned on August 26. No replacement was named, and the commission has failed to function.

In July General Rabanal refused to appear before a local prosecutor who brought charges against him, citing conflicting appointments in a military judicial investigation which had charged him with negligence and abuse of authority in the Lurigancho episode. In August the Supreme Court ruled that the military court has jurisdiction over General Rabanal and the 40 policemen involved in the assault. Human rights advocates and opposition politicians claim additional summary executions took place at El Fronton, but there has been no investigation of these charges.

b. Disappearance

Disappearances have declined dramatically under the current administration, and this trend continued in 1986. The Public Ministry's human rights office received 175 reports of alleged disappearances as of October, while other Peruvian human rights groups claim to have received about 75 disappearance reports over approximately the same time period. Of the 276 cases reported to the Public Ministry in the first 15 months of the Garcia administration, 162 had been resolved as of October.

Amnesty International has listed a total of 1,100 disappearances as of December 1985; local groups have presented about 800 cases with more complete documentation to the United Nations Human Rights Commission Working Group on Forced or Involuntary Disappearances. The Public Ministry had 2,219 cases reported prior to July 1985 when the present administration came to power. Of these, only 198 have been resolved; the remainder are under investigation. Although many of these cases are based on fragmentary data, the ministry has compiled much information on disappearances, seeking to enlist the aid of police and other officials.

The vast majority of resolved cases found the alleged victim alive. Some disappearances involved persons who joined Sendero, or who were detained and released but whose families failed to notify the authorities. Claudio Bellido, a Sendero leader also known as Comrade Caszelly, whom security forces reportedly killed in October, had been listed as missing by Amnesty International for 2 years.

While noting that the number of disappearances has declined since the present administration took office, domestic and international human rights groups have expressed serious concern about disappearances allegedly carried out by the security forces. Amnesty International lists about 90 of the El Fronton prison victims as "disappeared." Local human rights

groups, however, have no doubt that the prisoners unaccounted for were killed during or after the final assault. Human rights groups caution that disappearances in isolated areas are less likely to be reported. Some cases reported by the press are not investigated promptly. An example is the case of Teofilo Rimac Capcha, a Marxist who disappeared after being detained June 23 by the security forces in Cerro de Pasco. Not until August did the Army acknowledge that Capcha had been detained; the Army claimed that he had escaped from prison on June 25. As of October his case was not on the list of alleged disappearances maintained by the Attorney General. Leftist politicians dispute the claim that Capcha escaped and believe he was killed or remains detained. The Senate agreed in November to send a commission to investigate the disappearance, but as of the end of the year it had not done so.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and inhuman or humiliating treatment. Nevertheless, charges of brutality toward detainees and accused criminals have been commonplace, particularly in the Ayacucho Emergency Zone. In December the Government agreed that "excesses" had occurred in some cases, but asserted that officials who condoned such illegal acts were punished. The Government is investigating charges of brutality and torture in two cases involving suspicious deaths of suspects in police detention. In one case three policemen were implicated and are awaiting trial in the beating death of a robbery suspect, Nicanor Diaz Bautista. An autopsy of another robbery suspect, Erasmo German Javier Rodriguez, revealed that he had been beaten and subjected to electric shocks. These cases are under judicial investigation. Five accused terrorists, later freed for lack of evidence, claimed police had beaten and sexually mistreated them in Cuzco in November.

Some local human rights groups and criminal lawyers state privately that the security forces frequently engage in abusive practices toward detainees. Prison conditions are extremely poor, and detainees are likely to encounter limited hygienic facilities, poor nutrition, ill-treatment by prison staff, and abuse from other prisoners who take advantage of lax supervision. The Government has moved to improve prison conditions. During 1986 it closed the infamous "El Sexto" jail and opened a more modern maximum security prison at Canto Grande. It continued to reduce prison overcrowding by releasing minor offenders and improved conditions at women's prisons.

d. Arbitrary Arrest, Detention, or Exile

The Constitution requires that persons arrested be arraigned within 24 hours, except in cases of drug trafficking, terrorism, or espionage, for which the limit is 15 days. These restrictions are suspended in those areas, including Lima, under a state of emergency. Arraignment normally occurs in a timely manner. Arrested persons are entitled to have an attorney present when they make statements to the police. Public prosecutors from the Attorney General's office are supposed to be present during interrogations to ensure that statements are not made under threat or coercion. Human rights groups continue to express concern that these safeguards are not always respected by authorities, especially in cases involving terrorism in areas under a state of emergency. These groups claim security forces frequently detain citizens

arbitrarily for brief periods, but statistics are lacking. The Government reported that several dozen persons, who were reported to have disappeared in 1986, later turned up in police or military custody.

The Constitution recognizes the concept of judicial determination of the legality of detention. Human rights groups point out, however, that requests for such judgments in areas under a state of emergency frequently are ignored or dismissed, even though a state of emergency decree does not suspend this right. Although bail is available in most cases, in practice the Government denies it to accused terrorists.

The Constitution prohibits compulsory labor or unpaid personal service.

e. Denial of Fair Public Trial

The Peruvian judiciary is an independent branch of government. Judicial appointments are made for life; only Supreme Court justices require legislative approval. The legal system is based on the Napoleonic Code. Once criminal charges are filed, a judge determines whether probable cause exists. The next step is a judicial hearing process that may last up to 5 months, followed by a public trial. Sentences may be appealed, and courts may send cases back to lower courts for additional investigation. Although public defenders exist, their numbers are inadequate; most defendants must pay for legal counsel or depend upon public defense lawyers. Until July, all terrorist trials were held in Lima; most persons accused of terrorism are held without bail.

The courts face severe backlogs, a product of the sharp increase in terrorism cases, inefficiency, and, according to some observers, influence peddling. According to the Government, the majority of prisoners have not been sentenced and remain at some stage in the trial process. Local human rights groups have documented numerous cases of persons who have been detained without bail, awaiting trial, for periods up to 4 years. Terrorists reportedly have threatened judges handling terrorism cases. Numerous observers have criticized the release of detained terrorists as a result of insufficient evidence or probable extortion. Debate within the country indicates a growing consensus for a more efficient and secure judicial system. In December the Senate passed a government proposal to create a specialized court system with protected judges. The bill awaits lower house action.

The Constitution mandates that civilians be tried in civilian courts. A military court exists for some military and police offenders. The Supreme Court is empowered to decide the venue of cases involving military and police offenders and, in cases involving the military, generally rules in favor of the military court, with one notable exception. In January the Supreme Court ruled that Navy Commander Alvaro Artaza be tried in a civilian court for the alleged disappearance of journalist Jaime Ayala in 1984. On February 2 Artaza was reportedly kidnaped. Local human rights groups, some of the media, and some opposition figures believe that he fled the country, with Navy assistance, to avoid prosecution. The Government has not investigated Artaza's disappearance.

The civilian courts heard a number of major cases of alleged human rights violations by police in 1986, among them the July 1984 death of peasant leader Jesus Oropeza, the March 1982

killings of prisoners in an Ayacucho Hospital, and the November 1983 death of Franciso Nufflo in a police station. Guilty verdicts were reached against police in 1986 in the Nufflo and Ayacucho hospital cases, as well as the November 1983 Soccos killings. The defendants appealed to the Supreme Court, which has yet to rule. The Supreme Court dismissed charges against Navy Commander Artaza for the January 1984 killing of six evangelical missionaries. A civilian court convicted and sentenced 11 police officers to between 10 and 25 years in prison for killing 32 Indian peasants in a campaign against guerrillas in November 1983. The defense filed an appeal of the guilty verdict in July.

In the military courts, in addition to the trials of General Rabanal and 40 policemen for the Lurigancho prison killings, at least 3 other trials for alleged human rights violations are under way. These include the trial of Lieutenant Telmo Hurtado for the 1985 murders in Accomarca, that of army officer Oswaldo Diaz for the 1985 murder of three persons in Huanuco, and the trial of four persons for killings in 1985 in Pucayacu. These trials are not public. Human rights groups note that the Military Code of Justice contains no provision for murder or torture, and defendants are charged only with "negligence" and "abuse of authority." Corrective legislation passed the Senate and awaits lower house action. No member of the military services has been convicted in either the military or civil court systems for human rights violations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution stipulates that police are required to have a judicial warrant to enter a private dwelling, and this is generally respected in practice. The requirement for a warrant is suspended in areas under a state of emergency, and security forces in those areas routinely conduct searches of private homes without a warrant.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and the press, and these rights are exercised effectively. With 7 television stations, 33 radio stations, 15 daily newspapers and some 16 periodicals in Lima alone, every segment of the political spectrum has its voice. In March the Government returned 25 radio stations confiscated by the former military government to their owners. The Government generally respects press freedoms. Some journalists, however, suggest that media debts to government banks and use of government advertising could lead to self-censorship. One television journalist claimed the Government moved to suspend a program on alleged Navy involvement in the disappearance of Commander Artaza. The Government denied the allegation, and the program was shown later. One leftist daily claimed security forces broke into its offices in June and prevented its publication for one day. The Interior Ministry denied the report, and the newspaper continues to publish. In November the Foreign Press Association protested official actions against the foreign press. These included the military's detention of three local and one foreign journalist investigating killings in Pomatambo.

b. Freedom of Peaceful Assembly and Association

These rights are expressly guaranteed in the Constitution and are normally respected in practice. Municipal authorities are usually forthcoming in approving permits for demonstrations. Unauthorized demonstrations occur and, for the most part, the Government deals with them in a nonconfrontational manner. However, during one illegal demonstration in November miners and riot squads clashed, leaving 30 to 50 demonstrators and police injured. The Government announced that seven unidentified policemen, including three officers, would be punished for the beating of Congressman Manuel Cortez Fernadez, who accompanied the miners. Until August, the right to assemble was suspended in those areas under a state of emergency. Using emergency powers, the armed forces Joint Command in May denied a request by the Socialist Revolutionary Party to hold a congress in Lima.

The Constitution guarantees private workers the right to organize, to bargain collectively, and to strike. Unions are required to engage in direct negotiation and to seek conciliation at the Ministry of Labor prior to any strike action. Public sector workers, except for the members of the armed forces and senior government officials, have similar rights.

According to the Government, 17.5 percent of the work force are organized in trade unions. Unions generally are not formally linked with political parties, but important national confederations are identified with particular political groups, ranging from the far left to the government party. Total membership in Communist and other far left unions is larger than in democratically oriented unions. Union leaders are consulted regularly by the Government. Peruvian labor organizations affiliate freely with regional and international trade union organizations of all ideological tendencies. Peru is an active member of the International Labor Organization.

c. Freedom of Religion

The Roman Catholic faith overwhelmingly predominates in Peru, and the Constitution formally recognizes the Church's importance. The Constitution also establishes the independence of church and state and guarantees freedom of religion and conscience. These rights are fully respected in practice. Members of minority religions encounter no difficulty in practicing their faith or in exempting their children from religious instruction in public schools. Missionary organizations operate freely in the country with the cooperation of government ministries.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution guarantees the right of free movement and prohibits the exile of citizens. There are no political or legal constraints on foreign travel or emigration; however, freedom of movement is suspended in those areas governed by a state of emergency. Peru is a party to the 1967 United Nations Protocol on the Status of Refugees. Persons fleeing turmoil in other countries traditionally have been encouraged to return eventually to their country of origin but have not been forced to do so. Involuntary repatriation occurs only in the cases of persons accused of nonpolitical crimes.

PERU

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Peru is a democracy governed by a freely elected President and Congress. The political process is completely open and is vigorously contested by groups ranging from conservative to Marxist. However, Sendero Luminoso persistently seeks to disrupt elections. Particularly in remote mountain areas, it kills candidates and elected officials and threatens voters.

Suffrage is universal for persons over 18 years of age, except for members of the military. In April 1985, Peru held elections for a president, 2 vice presidents, and 240 congressmen and senators. No serious allegations of fraud were raised.

The July 1985 inauguration of President Garcia marked the first transfer of power between democratically elected governments in 40 years and the first accession to power of the American Popular Revolutionary Alliance (APRA). The current administration has a majority in the Congress. Nationwide municipal elections took place in November 1986, contested by three major parties and more than a half dozen smaller ones. Although most of the contests occurred without incident, several important races were close and led opposition groups to claim the Government had committed fraud or improprieties. As of late December the National Elections Board had not yet adjudicated these claims.

Leadership of the various parties tends to be dominated by the urban elite whose educational, financial, and communications resources give them advantages over the poor and rural-based sectors. Indians and the small black community remain underrepresented at top levels of government institutions and the professions.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has welcomed visits by international human rights groups. In 1986 it received visits from Amnesty International, Americas Watch, the United Nations Human Rights Commission Working Group on Forced or Involuntary Disappearance, and a private group led by Adolfo Perez Esquivel, Argentina's 1980 Nobel Laureate. High level officials, sometimes including the President, met with these groups. Following the prison killings, Americas Watch and Amnesty International became increasingly concerned about the human rights situation. The Government did not comment on a September Americas Watch report. In August Amnesty International sent the Government a detailed list of its concerns; as of late December, the Government had not responded.

A number of human rights groups work in Peru, associated under the private National Coordinator for Human Rights. The three largest groups are the Association for Human Rights formed in 1983; the Catholic church's Episcopal Commission for Social Action; and the National Human Rights Commission. Smaller groups also exist in Lima and the departmental capitals. Lima is headquarters for the Andean Commission of Jurists, which sponsors human rights analysis in Peru and the Andean region. Local groups recognized some positive government steps in 1986 but were concerned that the overall trend in human rights was

negative; they said civilian institutions were unable or unwilling to investigate and punish violators. Members of a government-appointed Peace Commission resigned in January charging the Government failed to respond to its recommendations on terrorism and human rights. A new Commission was appointed, but its members resigned following the June prison riots. In October the Government established a National Human Rights Council under the Justice Ministry. Composed of official and private members, it has a broad mandate to promote respect for human rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution grants women equality with men, and laws on marriage and divorce do not discriminate against women. Nevertheless, tradition still tends to impede the access of women to leadership roles in major social and political institutions. There are 3 women in the 60-member Senate and 10 in the 180-member Chamber of Deputies. Women represent 26 percent of the Peruvian labor force. In 1984, 61.9 percent of the female workforce were employed in commerce and services, 16.6 percent in the industrial sector, and the remaining 19.5 percent in other occupations, mainly as domestics. The average wage of male workers is double that of females.

The rural indigenous population and Peru's small black community face situations similar to those of women. The former group traditionally has lacked access to public services. Composed of several distinct geographic regions, Peru is a classic case of differential development: public investment traditionally has been focused on the coast, drawing migrants to the cities, especially Lima. One-third of the population is in the capital area and accounts for two-thirds of the gross domestic product. The Government has considerably increased the flow of resources and services to poor, largely Indian rural areas. Development efforts, however, have been impeded by the difficulty and cost of providing services to areas out of the mainstream of hispanic culture and economic activity. As a result of this dichotomy and of historical prejudices, the economic and social needs of Peruvians of European ancestry are more likely to be met than those of mixed or pure Indian heritage.

CONDITIONS OF LABOR

Peruvian law prohibits the employment of children under 14 years of age but allows the employment of older children who are literate. Although minimum-age legislation generally is enforced in all sectors of the official economic system, chronic social problems lead many destitute children to seek a living on the streets.

Employers are required by law to pay a minimum wage. Ministry of Labor inspectors are charged with enforcing compliance with workplace safety and health regulations. Both public and private sector employees are covered under the state-run Social Security Institute health plan. Workers have had an 8-hour workday since 1918, and the official workweek is 40 hours.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: PERU

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	164.6	79.1	29.6
LOANS.....	119.0	25.5	0.0
GRANTS.....	45.6	53.6	29.6
A.AID	118.9	37.9	25.9
LOANS.....	100.0	0.5	0.0
GRANTS.....	18.9	37.4	25.9
(SEC.SUPP.ASSIST.)...	0.0	0.0	7.0
B.FOOD FOR PEACE.....	42.9	38.8	0.0
LOANS.....	19.0	25.0	0.0
GRANTS.....	23.9	13.8	0.0
TITLE I-TOTAL.....	19.0	25.0	0.0
REPAY. IN $-LOANS.....	19.0	25.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	23.9	13.8	0.0
E.RELIEF.EC.DEV & MFP.	2.7	4.0	0.0
VOL.RELIEF AGENCY.....	21.2	9.8	0.0
C.OTHER ECON. ASSIST...	2.8	2.4	3.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.8	2.4	3.7
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	2.8	2.4	3.7
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	10.7	8.7	0.6
LOANS.....	10.0	8.0	0.0
GRANTS.....	0.7	0.7	0.6
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	10.0	8.0	0.0
C.INTL MIL.ED.TRNG....	0.7	0.7	0.6
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	175.3	87.8	30.2
LOANS.....	129.0	33.5	0.0
GRANTS.....	46.3	54.3	30.2
OTHER US LOANS.....	0.3	1.3	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.3	1.3	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	317.6	73.3	23.5	3326.8
IBRD	122.5	31.0	13.5	1690.9
IFC	9.2	16.8	10.0	100.1
IDA	0.0	0.0	0.0	0.0
IDB	184.8	24.3	0.0	1466.7
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	1.1	1.2	0.0	54.5
OTHER-UN	0.0	0.0	0.0	14.6
EEC	0.0	0.0	0.0	0.0

ST. CHRISTOPHER AND NEVIS

St. Christopher and Nevis, which became independent from the United Kingdom in 1983, has a government modeled on the British parliamentary system, with elections at least every 5 years. The political opposition is active and vocal. The Constitution provides the smaller island of Nevis considerable self-government, as well as the right to secede from the federation if certain enumerated procedures are followed.

Security forces consist of a small police force, which includes a Special Service Unit that receives some light infantry training.

St. Christopher and Nevis has a mixed economic system. Most commercial enterprises are privately owned, but the sugar industry--the country's largest--and 85 percent of all arable land are owned by state corporations.

The country's human rights record remained good in 1986.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

No political killings were reported.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Law enforcement authorities abide by the constitutional prohibitions against the use of torture or cruel, inhuman, or degrading treatment or punishment. Prison conditions are adequate; family members, attorneys, and clergy are permitted to visit detainees regularly.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention. The law requires that persons detained be brought before a court within 48 hours. There were no reported cases of exile. Although there is no legal provision against it, forced or compulsory labor is not known to take place in St. Christopher and Nevis.

e. Denial of Fair Public Trial

The Constitution requires that every person accused of a crime receive a fair, speedy, and public trial. The judiciary is highly regarded and independent. Like most of the English-speaking Caribbean, St. Christopher and Nevis is served by the Eastern Caribbean Supreme Court. Legal assistance is available to indigent defendants.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Neither the Government nor police interfere arbitrarily in the

private lives of individuals. Warrants are required to search private homes.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and of the press. St. Christopher-Nevis does not have a major daily newspaper. Each of the large political parties publishes a weekly or biweekly newspaper. International news publications are readily available. The Government owns and operates the only television station, but opposing political views are debated on television as well as on the commercial radio station.

b. Freedom of Peaceful Assembly and Association

The Constitution guarantees the right of peaceful assembly. Organized demonstrations, rallies, and public meetings sponsored by political parties occur regularly without government interference. Labor unions are free to organize and to negotiate for better wages and benefits for union members.

c. Freedom of Religion

The Constitution guarantees the free exercise of religion, and there are no restrictions on religious practices. Most church members belong to Protestant denominations.

d. Freedom of Movement Within the Country, Foreign, Travel, Emigration and Repatriation

Travel within and outside of the country is unrestricted.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The multiparty political system encompasses a wide variety of political views. Suffrage is universal over age 18. Political parties are free to conduct their activities, and every party holds annual conventions.

The current Government is a coalition of two of the three major political parties: the People's Action Movement, led by Prime Minister Kennedy Simmonds, and the Nevis Reformation Party, headed by Simeon Daniel, the Premier of Nevis. In the June 1984 national election, the coalition strengthened its mandate by winning 9 of the 11 elected seats in Parliament.

Section 4 Government Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No international human rights organizations maintain offices in St. Christopher and Nevis. The Government is firmly committed to the promotion of human rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There have been no reports of systematic discrimination based on race, sex, creed, language or social status. The role of women in society is not restricted by law. Participation by

women in public life got a boost in the 1984 election, when Constance Mitcham won a seat in Parliament, defeating the leader of opposition. Ms. Mitcham was subsequently appointed Minister of Women's Affairs. Women occupy a very small percentage of senior civil service positions.

CONDITIONS OF LABOR

The minimum legal working age is 14. The work week is 40 hours in 5 days, and workers are guaranteed a minimum vacation of 2 weeks. A minimum wage is established by law.

ST. LUCIA

A member of the British Commonwealth, St. Lucia has a multiparty parliamentary democracy. The current Prime Minister, John Compton, was elected in May 1982.

St. Lucia has experienced more than 4 years of stable political conditions and sustained economic growth. High unemployment remains a source of potential instability, but it is anticipated that elections will be held within the next 18 months as required by law.

The police are the only security force in St. Lucia. A small Special Service Unit has been established within the police force and has received some paramilitary training. St. Lucia also is developing a coast guard. Though small, these forces are imbued with traditions of integrity, professionalism, and respect for human rights.

St. Lucia continues to have an excellent human rights record.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of killings for political motives.

b. Disappearance

There were no reports of disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

No such incidents were reported.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest or imprisonment and provides that persons arrested be brought before a court within 72 hours. The Government honors these provisions in practice. There were no reports of arbitrary arrest or other forms of extralegal detention or forced exile in 1986. The Women and Young Persons Acts prohibit forced or compulsory labor; the law is respected in practice.

e. Denial of Fair Public Trial

The Constitution mandates public trials before an independent and impartial court and guarantees the provision of legal counsel to indigents. Accused persons are presumed innocent until proven guilty. The regional West Indies Court of Appeal, long known for its impartiality, serves as St. Lucia's appeals court.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Constitutional prohibitions against arbitrary search, seizure, and entry are observed by the authorities. There were no reports of arbitrary intrusion by the State into the private lives of individual citizens in 1986.

ST. LUCIA

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Constitutional guarantees of free speech and press are respected in practice. St. Lucia has two newspapers reflecting contrasting opinions. The television station is privately owned. The Government owns and operates Radio St. Lucia, and a religious organization operates another radio station. The Government does not censor the media.

b. Freedom of Peaceful Assembly and Association

There are no legal restrictions on public meetings in St. Lucia. Political opposition groups organize and conduct activities freely.

Workers have the right to form trade unions, conduct union activities free of government intervention, and engage in collective bargaining. Strikes in the private sector are legal if government-sponsored efforts to resolve disputes fail. Unions represent the majority of wage and salary earners and play a prominent role in the nation's economic and political life.

c. Freedom of Religion

There is no religious discrimination in St. Lucia. The majority of the population is Roman Catholic.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution guarantees these rights, and they are honored in practice. The Government revoked the passports of 16 St. Lucian citizens to prevent their travel to Libya in 1983, alleging that the group was to receive terrorist training. It still holds the passports of several of the original 16, thus restricting their travel outside St. Lucia.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

St. Lucia has a parliamentary system of government under which citizens have a genuine choice of parties, policies, and officials. Political activity is vigorous. Opposition parties play an active role in and out of Parliament, where they hold 3 of 17 seats. Parliamentary elections last were held in 1982 and by law must be held again before May 1987.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

International human rights bodies filed no reports or requests for investigations in 1986.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There are no legal restrictions on the role of women in St. Lucia. Women are well represented in government and the professions. As more women take advantage of public schooling and other government programs, the participation of women in other sectors of society is expected to increase.

ST. LUCIA

CONDITIONS OF LABOR

The minimum legal working age in St. Lucia is 14. The work week is 40 hours in 5 days, and workers are guaranteed a minimum annual vacation of 2 weeks. Although no minimum wage is established by law, a government-established wage council reviews wage rates in different sectors and makes recommendations which generally are accepted as having the force of law.

ST. VINCENT AND THE GRENADINES

St. Vincent and the Grenadines retains the multiparty parliamentary system of government which it inherited upon independence from the United Kingdom in 1979. Democratic traditions and respect for the rights of the individual have continued since independence. In July 1984, the New Democratic Party led by James F. Mitchell defeated the ruling St. Vincent Labour Party led by then Prime Minister Milton Cato in peaceful, democratic elections. By law, elections again must be held by October 1989.

The Royal St. Vincent Police is the only security force in the country. A small Special Service Unit with some paramilitary training has been established within the police force, and a coast guard serves under police command. The St. Vincent police maintain traditions of professionalism which place a high value on respect for human rights.

A poor country with a very young population, St. Vincent's most serious problem is unemployment. The nation's economy grew modestly in 1986, led by the vital banana industry, but a tropical storm in September damaged the banana crop and sharply reduced export receipts.

The country's human rights record remained good during 1986.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killings.

b. Disappearance

There were no reports of disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reports of torture or cruel, inhuman, or degrading treatment or punishment.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that persons detained for criminal offenses be provided legal representation and that their cases be reviewed periodically. The Government assiduously follows these provisions. A Dutch journalist was summarily deported from St. Vincent in September while doing research on an article about an off-shore bank that operated in St. Vincent. No charges were brought against the journalist, and no explanation was given for his deportation.

There is no legal prohibition against forced or compulsory labor, but such practices are not known to take place in St. Vincent.

e. Denial of Fair Public Trial

The Constitution provides for public trials before an independent and impartial court. Criminal defendants have the

right to legal counsel, are presumed innocent until proven guilty, and have the right of appeal, ultimately to the Privy Council in London.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits arbitrary entry, search, and seizure; this prohibition is honored in practice by law enforcement authorities. There were no reports of arbitrary search and seizure or other government intrusions into the private life of individual citizens in 1986.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and of the press, and the Government respects these rights. The Government neither censors nor interferes in the operation of newspapers, which openly and freely criticize it.

b. Freedom of Peaceful Assembly and Association

The freedom to assemble peaceably is respected in practice. The Government has adhered to the International Labor Organization's Convention on Freedom of Association. Unions enjoy the right of collective bargaining and the right to strike; they represent approximately 7,000 workers (slightly more than 10 percent of the labor force).

c. Freedom of Religion

All religions are free to practice and proselytize in St. Vincent and the Grenadines.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

These rights are guaranteed by law and honored in practice.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

St. Vincent has a parliamentary system of government in which citizens have a genuine choice of parties. In the 1984 general election, the New Democratic Party won 9 of the 13 seats in Parliament and ousted the St. Vincent Labour Party.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No international human rights organization maintains offices in St. Vincent. Although there is no local body which publicly monitors human rights violations, opposition political groups occasionally comment on human rights matters. The Government is responsive to public and private inquiries on its human rights practices.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The role of women in society is not restricted by law, but custom dictates that most Vincentian women center their lives

around the home. As women take greater advantage of public education programs, health facilities, and family planning, they are expected to participate in larger numbers in the nation's economic, professional, and political life.

CONDITIONS OF LABOR

The minimum working age is 15. The work week is 40 hours in 5 days, and workers are guaranteed a minimum annual vacation of 2 weeks. The Government currently is endeavoring to convert loose arrangements covering occupational safety and health into statutes. Minimum wages are established by law.

SURINAME

The military has governed Suriname since the 1980 coup that overthrew an elected government and suspended the Constitution. Since then, Lieutenant Colonel Desire D. Bouterse has exercised political power as "Leader of the Revolution" and Commander of the Armed Forces. In 1985 he officially assumed the title of Head of Government. On December 1, the Government reimposed in eastern Suriname the State of Emergency which had been in effect throughout the country from 1980 to February 1986.

In January 1985, the military authority led by Commander Bouterse announced a timetable for "a planned return to democracy." Under the timetable, an appointed National Assembly, consisting of representatives of the military, business, and organized labor, would draft a new constitution to be presented for popular approval by the end of March 1987.

Since July 1986, representatives of the principal political parties, business, and labor have sat alongside the military on the Council of Ministers, which oversees the day-to-day affairs of government, and on the Topberaad (Supreme Council), Suriname's highest decisionmaking body, which Bouterse chairs. Real power is still in the hands of the military, which has promised new government institutions by April 1988 after general elections are held.

The Government continued to exercise control over Suriname's predominantly free market economy in 1986, primarily through the mechanism of centralized importing and distribution, foreign exchange controls, and import licenses for importers and manufacturers. Economic conditions deteriorated rapidly and have led to a shortage of foreign exchange. Imported goods are increasingly scarce and expensive. Companies engaged primarily in importing and commerce suffered a sharp decline in trade.

Early in 1986, 500 bauxite industry employees were dismissed from their jobs; however, unemployment rose less rapidly than it might have, since companies in Suriname are forbidden by law from laying off workers without government approval. Nevertheless, during the last quarter of 1986, unemployment increased sharply as a result of an insurgency led by former army private Ronnie Brunswijk which has destroyed or damaged several major economic targets, idling hundreds of workers.

The human rights situation in Suriname deteriorated seriously in mid-1986, particularly in the areas of suspected killings, disappearance, arbitrary arrest, and detention. This turn for the worse was largely due to the brutal practices employed by the Surinamese military in their effort to combat the Brunswijk insurgency which began in July.

The victims of most human rights violations in recent months have been Bush Negroes, members of an ethnic group descended from African slaves. Bush Negro villages are concentrated in Eastern and Central Suriname, although many Bush Negroes now live in the capital, Paramaribo, and its suburbs. Brunswijk is a Bush Negro, as are almost all his followers. The army and militia appear to suspect all Bush Negroes to be Brunswijk supporters, and many Bush Negroes have been killed or arrested for no other reason than this.

According to credible eyewitness reports, many innocent civilian Bush Negroes, including women and children, were

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killed by the army in Eastern Suriname during the last quarter of the year. Several Bush Negro villages also were destroyed. The international community condemned these actions and called on the Surinamese Government to take steps to end the abuse and bring those responsible to justice. The Government has responded that it will investigate these reports. In other areas, the military continued to engage in arbitrary arrest, incommunicado detention, and physical mistreatment of prisoners.

Suriname's official National Institute for Human Rights (NIM), established in 1985, has proven to be a government-controlled body. Surinamese remain intimidated by the regime.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

According to credible eyewitness reports, noncombatant Bush Negroes, including women and children, were massacred by the military combating the insurgency in eastern Suriname. There have also been widespread reports of military death squads operating on government instruction against Bush Negroes.

The army and militia are believed to have been involved in the killings, directed primarily against Bush Negroes in Paramaribo and Moengo. In one instance, five bodies of Bush Negroes were found on the outskirts of Paramaribo, riddled with bullet holes. Dutch news media published photos and videotapes of several bodies found near the village of Moengotapoe; interviews with survivors, as well as information from other reliable sources in Paramaribo, indicate that massacres like Moengotapoe took place in a number of other villages in the area. Conservative estimates of the number of civilians killed in the army's December sweep are at least 244.

b. Disappearance

There have been several credible reports of the kidnaping and disappearance of Bush Negroes, but the exact number of such cases is unknown.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The 1985 Inter-American Commission on Human Rights (IACHR) report on Suriname expressed concern over widespread reports of torture by the Government. It also sharply contrasted prison conditions found in such military installations as Fort Zeelandia with those of Suriname's state penitentiaries, such as Santo Boma Prison. The report describes Fort Zeelandia's temporary brig as "badly overcrowded, filthy, with only the most primitive facilities." It found Santo Boma a "truly model facility," where regular school classes and trades are taught and where guards and administrative authorities are "well prepared educationally for their jobs." However, overcrowding is a serious problem in Paramaribo jails such as Nieuwe Haven and Geyersvlijt, where suspects are held as long as 6 months while awaiting trial.

SURINAME

d. Arbitrary Arrest, Detention, or Exile

There were several widely publicized cases of arbitrary arrest. In February a journalist who had publicly criticized the Government was arrested at Paramaribo's international airport on his way to the United States for a vacation. The journalist and his family had their luggage searched and their passports confiscated by military police. According to the authorities, the journalist possessed subversive and "destabilizing" literature. However, the journalist said that the incriminating material consisted of nothing more than United Nations reports on human rights in Suriname and some clippings from Dutch newspapers. The journalist was interrogated at Fort Zeelandia for several days before being released. He later left the country.

In June two Dutch journalists who entered Suriname illegally in order to interview the insurgent Brunswijk were arrested by military police on charges of espionage. Imprisoned in Fort Zeelandia, they were held for 8 days before the courts determined that there was insufficient evidence to support the charges. The journalists were then turned over to immigration authorities, who held them for another 9 days before deporting them. While these incidents highlight the vulnerability of individuals to arbitrary arrest, it is noteworthy that the courts ordered the journalists' release in the face of strident public opposition from the Minister of Justice.

As the strength of the insurgency grew, the military responded by arresting at least 20 Bush Negroes in sweeps through villages in eastern Suriname, beginning in late July. Members of the insurgent leader's family, including his younger brother Leo Brunswijk, and over 100 Bush Negro civilians from eastern Suriname where the insurgents operate, were detained at Fort Zeelandia, military police headquarters, the naval base, and possibly other military installations. On Christmas eve, the Government released 60 of these prisoners, mostly Bush Negroes, from Fort Zeelandia. The military admitted that 50 prisoners are still being held there and have not been turned over to judicial authorities for legal proceedings. The Government has still not disclosed the charges against them, if any. A regional representative of the International Committee of the Red Cross was allowed to visit the prisoners in December. While the charges were said to have been dropped against those prisoners released, their names were not disclosed, and they are clearly reluctant to talk to the press.

According to Surinamese law, a person suspected of having committed a crime for which the sentence is longer than 4 years may be detained for investigation for up to 14 days before being brought before a court to be charged. He may be detained longer only if a judge decides there is sufficient evidence to support the charge. There is no provision for bail during this period.

There were no reports of forced or compulsory labor in Suriname.

e. Denial of Fair Public Trial

The judiciary continues to maintain its independence and to provide fair public trials when accused persons are turned over to it. The record of the National Police in this regard is good, but the Military Police, who are empowered to arrest civilians, frequently do not turn prisoners over to the courts

promptly. Bush Negroes arrested in eastern Suriname and held incommunicado at Fort Zeelandia for many months are a case in point.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

In 1986 military police entered homes and businesses without warrants to conduct searches. The People's Militia and the February 25 Movement are organizations which monitor what people say, and act as informers to the authorities. There are no known cases of persons having been forced to join or actively support these organizations, though benefits do accrue to those who do. It is commonly believed that the Government engages in widespread wiretapping of private conversations. Some letters from overseas are believed to be opened by the Government for political reasons.

In early 1986, the Government began jamming Radio Netherlands Caribbean Service, which often carries items from the Dutch press about Suriname. Dutch newspapers and journals have not been available to the public since 1982, and publications from the Netherlands do not reach subscribers in Suriname.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Surinamese have not forgotten the brutal events of December 8 and 9, 1982, when 15 prominent opposition leaders were killed while in government custody; they remain circumspect about publicly criticizing the regime.

The press in Suriname is not free. The arrests of the Surinamese and Dutch journalists are examples of official efforts to interfere with the press. In another case, Bouterse himself publicly criticized a Paramaribo weekly newspaper for failing to contribute "to the goals of the revolution." He warned that it risked the same fate as a Paramaribo daily whose offices were burned by the army in 1982. Two months later, the editor of the weekly left the country to take up residence in Holland. While government censorship is not direct, local editors and journalists have been given a clear understanding of what is acceptable to the Government and what is not, particularly in reporting on military developments and fighting between the army and insurgents. Usually they are careful not to overstep the limits. On November 23, the media was forbidden to publish any news reports on events in eastern Suriname unless they were first cleared by the National Information Service (NIS). On December 23, video and sound tapes were confiscated from Dutch journalists working legally in Suriname, who had been interviewing inhabitants of Bush Negro villages in central Suriname. The media generally restricts coverage of sensitive issues to publication or broadcast of official news releases from NIS or the official Suriname News Agency.

There are two public and three private radio stations and one government-owned television station. There are two private daily papers and one private weekly newspaper. In addition, the Catholic and Moravian Churches each publish a small weekly newspaper which often carry articles critical of the Government. The Lutheran and Reformed Churches publish a combined monthly journal.

SURINAME

b. Freedom of Peaceful Assembly and Association

Restrictions on mass political meetings which had been in place since the coup in 1980 were relaxed somewhat in 1986. One political party sponsored a large public celebration of the 70th birthday of its founder, and another organized a church service to commemorate the 40th anniversary of its founding. However, political leaders are cautious about exercising this freedom and have been careful to avoid criticism of government policy. People may assemble freely for social purposes. Religious associations, clubs and fraternal societies operate without government interference.

The State of Emergency, the lifting of which was regarded as a significant step toward the long-awaited return to the rule of law, was reinstated on December 1 in most of the eastern half of Suriname. The enabling legislation authorized the military authorities to enact any measures they regard as necessary for the restoration of order in the area. The first decrees announced by the military placed a 6 p.m. to 5 a.m. curfew in effect in two districts, prohibited gatherings of any kind in the entire State of Emergency area, required the surrender of all privately owned firearms in the country (later amended to apply only to the State of Emergency area), and placed restrictions on movement in eastern Suriname. At the same time, all foreigners were warned to stay out of the area covered by these decrees--which curiously included Zanderij International Airport.

Half the labor force is unionized. Labor organizing, union elections, wage negotiations, and labor actions, including strikes, normally take place freely. However, most labor leaders continue to be cautious in their dealings with the Government. Unions and business organizations are free to affiliate with international bodies. In November 1986, the International Confederation of Free Trade Unions suspended one labor federation, the Moederbond, for supporting the Bouterse Government. Three of Suriname's four labor federations and two business associations are participating in the Government and in the drafting of a new constitution.

c. Freedom of Religion

There is freedom of worship. No one religion is favored above any other, nor is there discrimination against members of any religious group. Articles and programs sponsored by religious groups appear in the newspapers and on radio and television. Religious groups publish without advance censorship, maintain international contacts, and freely organize trips abroad. Foreign clergy are allowed to minister to the needs of both local and expatriate congregations; however, in August 1985, Father Maarten Noordermeer was expelled from the country for making statements from his pulpit directly criticizing Bouterse. The National Institute for Human Rights [NIM], which has been largely inactive in 1986, held a public hearing on the complaint filed by the Catholic bishop; it ruled on December 31 that neither the rights of Father Noordermeer nor those of the Catholic diocese had been violated by the expulsion. However, NIM noted that Surinamese immigration law, which was enacted in 1938 and doesn't allow aliens to appeal expulsion orders, no longer met "international norms." NIM's decision only confirmed the popular perception that it is a government-controlled organ with no independent voice. Missionaries are allowed to enter the country and to proselytize.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Surinamese may move residences and change workplaces freely. They generally may travel abroad as they wish; however, travel within Suriname is now restricted because of fighting in eastern Suriname, and travel between government-held and guerrilla-dominated areas is practically impossible. The Government also has suspended flights by the Mission Aviation Fellowship, which provided supply and transportation services for religious missions in the interior. There was one case in 1986 in which passports were seized by the authorities to prevent persons identified as political opponents from traveling abroad. However, when threatened with legal action, the authorities returned the passports within a few days.

Surinamese may emigrate without interference and may return to take up residence at any time. In general, Surinamese identified with the previous government are not harassed if they return to the country. However, those regarded as enemies by the current regime are afraid to return. In its 1985 Report on Suriname, the IACHR expressed concern over reports of harassment, intimidation, and in some cases, the attempted assassination of political opponents of the Government who were living abroad.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Until the 1980 coup, Suriname was a functioning democracy. Upon taking over, Bouterse suspended the Constitution and placed effective power in the hands of a five-member Military Authority, presently reduced to two members. There have been no elections since the coup, but with the inclusion of civilians in the Government in 1984, an official policy of returning to an undefined "democratic system" was begun. In August 1985, Bouterse, as Chairman of the Military Authority, was made Head of Government. In January 1985, the 31-member National Assembly was appointed, 14 members nominated by the military, and the other 17 by the labor unions and a business association. The Assembly was charged with drafting a new constitution. On December 12, Bouterse announced that the draft constitution would be ready by March 1987 and that it would be submitted to a popular referendum for approval within 6 months. He also said that general elections will be held no later than March 1988.

In July 1986, a new Cabinet, composed of representatives of military, labor, and business groups, as well as of Suriname's three traditional parties, was appointed to implement a program of political and economic reforms. The nature of this program and of the future democratic system has not been further defined.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In 1985 the Government appointed five persons to the NIM human rights commission. NIM exhibited little interest in pursuing individual complaints of human rights violations until October 1986, when it announced hearings on the case of the Catholic priest expelled from Suriname 18 months before. No reason was given for investigating this particular case;

two other individual complaints brought to the attention of the commission earlier were not mentioned.

There are no nongovernmental human rights organizations within the country. Representatives of the various churches speak out against violations of human rights, but they do so carefully to avoid retaliation by the military authorities. In a rare official reference to human rights, Bouterse, during his appearance at the U.N. General Assembly in October 1986, asserted that the Surinamese Government fully supported the protection of fundamental human rights. The Government is not active in international or regional human rights bodies.

The Surinamese Government did not respond to the IAHCR effort to raise the question of summary executions.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Women have equal access to education and employment, although social pressures and customs still inhibit women from fully exercising these rights. Racial discrimination is prohibited and is uncommon in Suriname's multiracial society. However, ethnic consciousness remains strong among all groups and has been exacerbated by the current fighting between the predominantly creole army and insurgents, who are mostly Bush Negroes.

CONDITIONS OF LABOR

There is no legal minimum wage in Suriname, but wages are generally high by the standards in the region and provide workers an adequate standard of living. The workweek in most companies is between 39 and 45 hours. The legal minimum age for employment of children is 14, except in the fisheries industry where it is 15.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SURINAME

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & MPP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	0.0	0.3	0.0	59.6
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.0	0.3	0.0	11.1
OTHER-UN	0.0	0.0	0.0	0.7
EEC	0.0	0.0	0.0	47.8

TRINIDAD AND TOBAGO

Trinidad and Tobago is a two-island state with an estimated population of 1.2 million, of whom approximately 43 percent are of African and 40 percent of East Indian descent. The country is a republic with a parliamentary style of government. In general elections in December 1986, the National Alliance for Reconstruction defeated the People's National Movement which had governed the country since its independence from Great Britain in 1956. Elections are free and fair and must be conducted at regular intervals.

The Trinidad and Tobago police service is, as a whole, a capable and professional force. There are, however, recurring charges in the courts and in the press alleging improprieties on the part of individual police officers. The legal system provides effective measures for legal redress for the complainant in such cases. Trinidad and Tobago's judicial system is independent and based upon that of the British, with the Privy Council in London serving as the highest court of appeal.

Trinidad and Tobago has a mixed economy based upon petroleum production and refining and agriculture. Many major industries are either wholly or partially owned by the Government, but there is a strong tradition of private enterprise and private ownership of property.

The country's economy has suffered with the recent worldwide fall in oil prices, but Trinidad and Tobago continues to have a high standard of living and the fourth highest per capita income in the Western Hemisphere. Political and civil rights are protected by the country's Constitution and respected in practice. Labor unions have the freedom to organize, bargain collectively, and strike. There is complete freedom of religion in Trinidad and Tobago, which has large populations of Christians, Hindus, and Moslems.

Trinidad and Tobago's human rights record remained good in 1986.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of politically motivated killings.

b. Disappearance

There were no reports of disappearance.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids such treatment and, according to the law, any evidence obtained by such means is inadmissible in court. Torture is not practiced in Trinidad and Tobago. There are, however, recurring allegations in the press and charges in the courts that individual police officers have physically mistreated persons under arrest. The law permits victims of such treatment to sue for damages in civil court and to file criminal charges against the individual officer responsible. The courts often find in favor of the

complainant, and police officers found guilty of such behavior are subject to disciplinary action. There is no evidence that police brutality is systematic or condoned by the Government.

The law requires a public coroner's inquest in any case in which a person has died while in police custody. In 1985 the murder of a member of a local mosque while in police custody aroused much public concern. The man was arrested for loitering, and then allegedly stabbed to death by an unknown assailant during a struggle with the arresting officer. A coroner's inquest, convened to investigate the murder, was unable to identify the killer; the case was passed back to the police for further investigation, with no results announced by the end of the year. A citizens' committee investigated the killing and charged that the police were responsible.

In March a group of people demonstrating against the visit of an English cricket team, which included players who had played in South Africa, allegedly was attacked by police. The demonstrators were behind police-erected barriers when the baton-wielding police charged them. Several demonstrators were injured, and 16 people, including 3 journalists who were covering the event, were arrested for demonstrating without a permit. Many organizations, including the press and trade unions, protested that excessive force had been used by the police. The Minister of National Security ordered the Commissioner of Police to determine who was responsible. The results of this investigation have not yet been released.

Trinidad and Tobago's prisons are overcrowded and poorly staffed.

d. Arbitrary Arrest, Detention, or Exile

Although the law specifies that a suspect must be charged "as soon as possible" after arrest, in practice charges usually are made within 48 hours. The police can, however, obtain a court order to hold a person longer to gather more evidence. Preventive detention is not allowed under the law. Arrested persons are allowed access to a lawyer of their choice and have the right to a judicial determination of the legality of their detention. Family members may visit detainees. There are recurring charges in the courts that the police have violated one or more of these procedures in individual cases, and the courts, which vigilantly monitor police practices in this area, often find for the complainant.

There is no forced labor in Trinidad and Tobago. Although Trinidad and Tobago has no laws regarding forced labor, it has adopted the International Labor Organization's convention on the subject.

e. Denial of Fair Public Trial

The Constitution guarantees accused persons a fair and public trial by the independent judiciary, from which appeals may be made to an appellate court and eventually to the Privy Council in London. Defendants have the right to an attorney, although not at public expense. With the exception of murder cases, all accused persons may be freed on bail pending trial. The presiding magistrate may suspend bail after consultation with the prosecution and defense.

The judiciary reportedly is overworked, understaffed, and underfunded. Over 11,000 court actions were filed in the

civil courts during the 1985-86 court term, and the large backlog has led to long delays in bringing cases to trial.

There are no political prisoners in Trinidad and Tobago.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution and laws prohibit such arbitrary interference, and these prohibitions generally are respected.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of expression, and this right is protected in practice by the country's independent judiciary, by its pluralistic political system, and by the independent and privately-owned print media.

Trindad and Tobago Television (TTT), which operates the only television station in the country, is government owned. Its coverage is generally unbiased, although disputes have arisen in the past over its political broadcasting policy. TTT allocates broadcast time to the ruling and opposition parties in proportion to the share of votes received in the previous general election. In 1984 a prominent member of the opposition challenged this policy in court, claiming that TTT had violated his constitutional right of freedom of speech.

The court found in the complainant's favor, but TTT appealed, and in 1985 the decision was overturned. TTT has maintained its policy on political broadcasts pending further court hearings. The Government is also allotted a specific amount of broadcast time for nonpolitical, informational programing. The opposition has alleged that government ministers misuse this time for political broadcasts. The Government has failed to act on a longstanding application by a group of businessmen to start a second television station.

Trinidad and Tobago has two radio stations, one government owned and one privately owned. Both currently are operating without licenses while the Government develops a telecommunications policy that establishes the conditions under which all broadcasting media will operate in the future.

b. Freedom of Peaceful Assembly and Association

These freedoms are protected by law and respected in practice. Permits are required in advance for marches, demonstrations, or other public meetings. These are normally granted, including to critics of the Government.

The Constitution protects the right of workers to organize and bargain collectively, and this right is freely exercised. Approximately 27 percent of the workforce are organized into more than 25 major labor unions and numerous smaller ones. The unions are independent of government or party control and effectively represent their members. Most unions are grouped into two labor congresses, one of them associated with the International Confederation of Free Trade Unions and the other with the World Federation of Trade Unions. Workers are permitted to strike, and employers to engage in lockouts.

The Ministry of Labour acts as an impartial mediator in collective bargaining impasses. If mediation by the Ministry fails and the parties agree, the dispute may be certified as unresolved and referred to the Industrial Court, part of the independent judiciary, for a binding decision.

c. Freedom of Religion

The right to practice one's religion is guaranteed by the Constitution and respected in practice. There is no state religion and no religious test for public office. There are large, organized groups of Christians, Hindus, and Moslems. These and other religious groups are allowed to maintain associations with organizations and individuals in other countries. Religious groups are free to travel, establish places of worship, and publish religious material. Missionaries are freely permitted and allowed to proselytize.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on travel either within or outside the country.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Trinidad and Tobago's people choose their government in free general elections held, as required by the Constitution, at intervals not to exceed 5 years. Trinidad and Tobago is governed by a bicameral Parliament; its 36-member House of Representatives is elected, and a 31-member Senate whose members are appointed by the President--16 on the advice of the governing party, 6 on the advice of the opposition, and 9 at the President's discretion. The head of government is the Prime Minister, who is the leader of the majority party in the House. The head of state is the President, who is elected by Parliament. Numerous opposition parties have contested every general election since independence in 1956, except that of 1971 when the opposition chose not to participate. Several opposition parties combined to form the National Alliance for Reconstruction (NAR) in 1985. The NAR won 33 of 36 seats in the House in the December 1986 elections.

In 1986 the independent Elections and Boundaries Commission (EBC), headed by a former Chief Justice, completed a comprehensive updating of the country's voter registration lists and realigned a number of parliamentary constituencies. The various political parties consider the EBC report to be fair and unbiased. The Constitution allows Commonwealth citizens who are legal residents and at least 18 years of age to vote.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Trinidad and Tobago has not been the subject of international human rights investigations to date. An Amnesty International representative responsible for the Caribbean region regularly visits the country and meets with government officials. Apart from the judiciary, which acts on legal cases involving alleged human rights violations, the Government has an ombudsman who can investigate alleged violations of citizens rights and report the findings to Parliament.

TRINIDAD AND TOBAGO

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Members of all major racial and religious groups hold senior positions in the new Government as they also did in the previous government. There is no official discrimination in Trinidad and Tobago, which is a multiracial society. Women enjoy equality under the law. Many hold positions in the Government, civil service, political parties, business, and the professions. Women currently serve in Parliament and as government ministers. Women's groups publicly speak out and are heard on all aspects of women's rights.

CONDITIONS OF LABOR

The law prohibits the employment of children under the age of 12. Children aged 12 to 18 can only work in family businesses, with the exception of children aged 16 to 18 who may also be employed by certain industries which the President has specifically exempted from the law. These restrictions are respected in practice. There is no minimum wage rate. However, minimum wages have been set by the Minister of Labour for three occupations which are considered difficult to organize into unions: gas station attendants, shop clerks, and domestic servants.

Occupational health and safety is governed by the 1948 Factories Ordinance Bill, which sets requirements for health and safety standards in certain industries. Because of changes in Trinidad and Tobago's industry since 1948, the Government has proposed a new Occupational Health and Safety Bill to replace the Factories Ordinance Bill. The legislation is expected to come before Parliament once the Government has considered certain proposed alterations. A Severance and Retrenchment Bill, which became law in 1986, provides improved severance benefits for laid off workers.

URUGUAY

Uruguay ended 12 years of military rule on March 1, 1985, when it resumed its traditional status as a democracy with a freely elected executive branch, independent bicameral legislature, and an autonomous judicial branch. Political life since the return to democratic rule has continued to be marked by a high level of political participation by all sectors of the population and by a vigorous and unrestricted political debate on the nation's problems. The Parliament, in which President Julio Maria Sanguinetti's Colorado Party holds a plurality, has resumed its former role in the nation's political life. The judicial branch has regained its independence, and there is an ongoing public debate over the need for various reforms in the legal and judicial systems. Nongovernmental institutions--such as political parties, the press, labor unions, and private interest groups--operate freely and without restriction by the Government.

Uruguay recovered slightly from the effects of a prolonged economic recession, and its economy showed modest growth in 1986, although inflation continued to be a problem. It remains one of the more advanced developing countries, with a complex social security and social welfare system. The Government is placing increasing emphasis on the private sector, although state enterprises monopolize key sectors, and the Government controls prices on some basic items.

There were no credible complaints of human rights violations in 1986, but public debate continued over how to deal with military and police personnel accused of human rights violations before and during the military regime. All former political prisoners, including those convicted of crimes of violence as well as some nonpolitical criminals, were amnestied in 1985. One sector of opinion, supported by the Government, argued that, in the interests of putting the country's past behind it, amnesty should also be extended to accused military and police figures.

A bill introduced by the Colorado Party reflecting this view was rejected by the Parliament in September, as was a more stringent Blanco Party draft which would have provided for some categories of prosecutions. Following a December 1 meeting of the President, the military, and the political parties, the military high command issued a statement reaffirming its support for democratic government. The statement admitted that some excesses may have occurred during the military's tenure in government, but expressed the opinion that members of the military should not be held responsible for acts committed under orders. Subsequent discussions led to parliamentary approval of a bill which was signed into law by the President on December 22.

The new law excluded any future prosecutions against military and police personnel for alleged crimes committed under orders during the military regime, except for offenses committed for economic gain. The law assigns to the executive the responsibility to determine if cases already before the courts are covered by its provisions; if so, the cases are considered to be closed. The law also directs the executive to investigate the fate both of those who disappeared following arrest and of children presumed kidnaped when their parents were arrested, and to report the results of its investigation to complainants within 120 days.

URUGUAY

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no cases of political killings reported.

b. Disappearance

There were no cases of disappearance reported. However, local human rights groups stated that 10 to 20 persons may have disappeared during the period 1978-84.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

No credible reports of torture or deliberately inhuman treatment were reported. There were isolated reports of individuals who claimed to have been mistreated by police, but none of these allegations was substantiated. In at least one case the accusations were determined to be fraudulent. Local human rights groups continued to press their concerns about overcrowding and adverse living conditions in Uruguayan prisons.

d. Arbitrary Arrest, Detention, or Exile

No cases of arbitrary arrest, detention, or exile were reported.

Uruguay's 1967 Constitution requires a written warrant for arrest unless the accused is apprehended in the act of committing a crime. The Constitution provides the right to a judicial determination of the legality of detention in which the detaining authority must explain and justify the legal grounds for the detention. It also stipulates that a prisoner has the right to counsel and the right to give a statement before a judge within 24 hours of detention. The judge must begin the judicial process within 48 hours of arrest. In criminal trials which could result in a penitentiary sentence, bond is allowed. The death penalty and brutal treatment in prisons are both prohibited by the Constitution, which specifies that prisons shall be used only for rehabilitation and reeducation. Military justice can be applied to civilians only during a state of war or insurrection. These constitutional safeguards are now in force and are generally respected. Forced or compulsory labor does not exist.

e. Denial of Fair Public Trial

Full autonomy of the judiciary was restored in 1985, and military officers who had been appointed by the military regime to the Supreme Court or the higher Appeals Court retired from their posts. The law provides, however, for two military justices on the Supreme Court to participate in cases involving the military. According to the Constitution, all trials must be public. Each trial must be opened by a public statement of the charge by a prosecutor or complainant. Uruguayan legal tradition calls for judges to hand down decisions on the basis of written summaries, which are not available to the public.

URUGUAY

A parallel military court system exists under the military justice code. The Parliament will consider revisions to the code in the future.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution affirms the inviolability of the home, which is absolute at night and may be entered and searched only with a legal warrant during the day. Private papers and correspondence are likewise inviolable unless a legal warrant has been obtained. These rights are respected. The state-run telecommunications monopoly is investigating alleged cases of wiretapping during the military regime. There was no credible evidence that this practice continued after March 1985.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press is protected by the Constitution. Newspapers and magazines are published by all sectors of political opinion, including formerly proscribed organizations such as the Communist Party and the Tupamaro movement which conducted campaigns of terrorism in the late 1960's and early 1970's. Criticism of the Government is tolerated. Academic freedom and university autonomy are respected. The student union reestablished itself and held elections in 1985. Elections for university authorities were also held in that year. Most professors who were fired by the military regime for ideological reasons have returned to their positions; the cases of others are being studied. The mass firings of professors who were appointed during the military regime raised objections among rightwing groups and the professors affected.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly and association are protected by law. Formerly banned groups such as the Tupamaros are free to organize and disseminate their opinions. A permit is required for public marches and demonstrations, obtainable from the Ministry of the Interior, but such demonstrations occur without official harassment or intimidation. Citizenship rights denied to some individuals by the military regime on the basis of political affiliation and activity have been fully restored.

The Constitution guarantees the right of workers to organize freely and encourages the formation of both unions and arbitration boards. The Interunion Workers Assembly and National Workers Association which represent most Uruguayan unions have resumed activity since the return to democracy. Both in law and in practice, workers have the right to strike and bargain collectively. The Government supports these rights and supports legislation that would prohibit the firing of workers for union activity; it promotes collective bargaining in which government, management, and labor participate through salary councils for various sectors of the work force.

Trade and professional organizations which wish to participate in the general labor movement may do so. All are free to join international bodies. At present Uruguayan labor is not affiliated to any of the international labor federations.

c. Freedom of Religion

Religious freedom is constitutionally guaranteed and respected. Although most Uruguayans are Catholic, missionaries from other religious groups are not hindered in the exercise of their calling.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on internal or foreign travel or emigration. An estimated 300,000 Uruguayans left the country, voluntarily or otherwise, during the military regime. Notwithstanding the fact that many left for economic rather than political reasons, a parliamentary commission on repatriation is considering ways to aid and encourage those who wish to return. All prominent political figures exiled by the military regime have returned to the country.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Uruguay is a multiparty democracy, with mandatory universal suffrage for those 18 years of age and older. There are no voting restrictions based on race, sex, religion, or economic status. The country's major political parties--the Colorado Party, the Blanco (National) Party and the leftist Broad Front coalition--have kept their cohesion by allowing each ideological group within the party to field its own slate of candidates. National and provincial elections are held simultaneously every 5 years; the next one is scheduled for November 1989. There are no women members of the current Parliament, but several serve as alternates.

Section 4 Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Since the return to democratic rule in 1985, Uruguay has not been a major focus of concern for internationally based human rights organizations. The Government is open to such organizations and does not restrict the activities of human rights investigators. The most prominent local human rights group is SERPAJ (Peace and Justice Service), a nondenominational organization supported by several religious bodies and affiliated with similar groups throughout South America. Legalized in early 1985 after operating underground during the last 2 years of the military regime, SERPAJ now investigates both nonpolitical human rights issues such as prison conditions, and politically controversial cases involving death, torture, and disappearance which occurred during the military regime. The Foro Juvenil (Youth Forum), which operated openly throughout the last years of military rule, carries out research on problems encountered by women, youth, and minorities in Uruguay. Several professional human rights committees have investigated members accused of complicity in human rights violations during the military regime. Committees of the Uruguayan legislature also are investigating specific cases of human rights violations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Uruguay has long been one of the most egalitarian countries in Latin America, with a well-developed welfare system. Racial

or linguistic minorities are statistically few in Uruguay. While nonwhites are disproportionately represented at the lower end of the economic scale, they are not victims of legislated discrimination.

Women in Uruguay have complete equality before the law. They attend the national university and pursue professional careers in large numbers. Women serve in the Cabinet, the courts, and the diplomatic corps at the ambassadorial level. Some barriers to equality still exist as the result of traditional social patterns and restricted employment opportunities. Pay is not always equal for men and women, especially for less skilled workers in the private sector.

CONDITIONS OF LABOR

For many decades Uruguay has been one of the most advanced countries in Latin America in terms of worker rights. Child labor is not permitted by law until the child has obtained a primary education. Children are generally not employed below the age of 15, but children of 12 or above can work with special permits from the government. Dangerous, fatiguing, or night work, apart from domestic service, cannot be performed by children under 18, and hours and pay are more strictly regulated than for adults. Children 16 years of age or over can sue in court for payment of wages, and the right of child laborers to dispose of their own wages is mandated by law. Children working in the informal sector--street vendors, itinerant laborers and others with no fixed place of operation--or in agrarian work generally are less strictly regulated and are lower paid. For adults, the norm is an 8-hour day and 48-hour week.

After 1 year of service, workers are entitled to 10 paid days of vacation, which increases with additional years of service. Wages must include a Christmas bonus in addition to paid vacation. Workers are at least theoretically protected by minimum wage legislation and laws regulating the health and safety of working conditions.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: URUGUAY

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	0.6	0.0	14.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.6	0.0	14.4
A.AID	0.0	0.0	14.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	14.4
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
S.RELIEF.EC.DEV & MFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.6	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.6	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.6	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.1	0.1	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.1	0.1
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.1	0.1	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.7	0.1	14.5
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.7	0.1	14.5
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	167.8	74.5	48.2	1094.7
IBRD	0.0	64.0	45.2	551.4
IFC	0.0	8.9	3.0	35.5
IDA	0.0	0.0	0.0	0.0
IDB	167.8	0.0	0.0	481.2
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.0	1.6	0.0	25.7
OTHER-UN	0.0	0.0	0.0	0.9
EEC	0.0	0.0	0.0	0.0

VENEZUELA

Venezuela is a republic with an active multiparty democratic system, free press, strong unions, and an ardent commitment to democracy. For the past 28 years, power has passed peacefully between the two major political parties through open elections.

Venezuela has a mixed economy, dominated by the public sector The state-owned petroleum industry accounts for some 23 percent of the gross national product, more than any other industry. Venezuela has experienced economic problems resulting from declining petroleum revenues, a large foreign debt, and high government expenditures, including debt service. For the past 8 years per capita income has been declining.

Human rights violations, when they occur, tend to be well publicized and investigated. Venezuela is an active participant in international human rights forums and is noted within the Hemisphere as a proponent of civil liberties and democratic rule. The principal focus of human rights discussion within Venezuela is on deficiencies, including allegations of corruption, in the country's overtaxed judicial system.

Venezuela maintained its good human rights record in 1986.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Authorities do not engage in or condone unlawful or arbitrary killing for political motives, and there were no reports of such killings. There have been instances of police and security forces shooting and killing criminal suspects. Such incidents are investigated when there is reason to believe the killing was illegal. Perpetrators may be charged with a crime and prosecuted in the courts.

b. Disappearance

As a matter of policy, police authorities do not abduct, secretly arrest, or hold people in clandestine confinement. Reports of police abuse are publicized and investigated. Investigation of a case in March in which bodies were discovered in abandoned wells indicated local police involvement in the secret arrest and summary execution of chronic criminal offenders. Prosecutors are seeking 26-year sentences for the three policemen implicated. A congressional oversight committee is examining this case and related allegations of police abuse.

Kidnapings for ransom are occasionally reported, especially on Venezuela's border with Colombia. Some of these may be attributable to small guerrilla groups from Colombia operating in western Venezuela.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Venezuelan law prohibits the torture of prisoners; this prohibition is respected in practice. Constitutional guarantees of the integrity of the individual are enforced. Laws prohibiting cruel, inhuman, or degrading treatment or

punishment are generally respected. Some infractions occur, however, because of excesses on the part of local law enforcement officials or inadequate supervision of prison guards. Prison conditions are spartan, at times very poor, and overcrowding is a serious problem. Discipline is sometimes inadequate, and violence by guards against prisoners occasionally occurs, especially in the more crowded prisons. Officials responsible for such violence are not known to be punished. The low educational level and limited training of many prison guards are contributing factors.

d. Arbitrary Arrest, Detention, or Exile

The right to judicial determination of the legality of detention is guaranteed by law. Arrested persons legally cannot be held more than 8 days without formal charges. The limits are frequently exceeded, however, usually because of inefficiencies in the legal system.

For example, the case of four persons charged with the bombing of a Cuban airliner and detained since 1976 has yet to be concluded. Three remain incarcerated; one escaped prison in 1985. In a preliminary judgment, two of the suspects were found guilty and the third innocent. All three remain in prison pending confirmation of the ruling by a higher court.

Illegal immigration, mainly from Colombia, remains a concern for Venezuelan authorities. Once in police custody, foreign nationals without documents are frequently held incommunicado and then deported without legal proceedings.

There is no forced or compulsory labor; unremunerated labor is prohibited by law.

e. Denial of Fair Public Trial

Fair trial is guaranteed by law and a number of procedural safeguards are provided. The accused is presumed innocent until guilt is proved beyond a reasonable doubt. However, preventative detention is legal and common and accounts for a large percentage of the prison population awaiting trial.

According to Ministry of Justice officials, approximately 76 percent of the 28,000 persons in prison have not yet been tried. The same judicial authorities attribute the backlog to an insufficient number of qualified judges; automatic review of all lower court decisions by higher courts, which cannot limit their dockets; and failure to enforce procedural deadlines at each stage of the legal process. Delays of 2 or 3 years in a normal case are not infrequent. Bail is only permitted for relatively minor crimes. A Judges Association study in 1980 revealed that there was one judge for each 180,000 inhabitants in the Caracas area. The extraordinarily slow pace of justice appears to be a product of the system's complexity and the formality of criminal trial procedures. The judicial process is almost exclusively a written one, requiring costly and time-consuming production of voluminous reports--by judges, attorneys, and witnesses-- at every stage.

The civilian judiciary is independent but connections to the two major political parties are important in the judicial selection process. The Judicial Council, an independent body responsible for the training, nomination, and disciplining of judges, actively investigates allegations of inappropriate conduct and has taken severe disciplinary action in a number

of cases. The Government is aware that improvement of the judicial system is necessary to increase public confidence in the courts. Civilians charged with armed subversion are tried by military courts. These persons--numbering several dozen--are considered insurgents by the Government; there is no enforceable time limit on military adjudication of their cases.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The Constitution and law provide safeguards against arbitrary interference with privacy, family, home, or correspondence. These safeguards are honored in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Venezuela has a free and lively press; journalists frequently criticize the Government and denounce instances of government interference in the media. The Inter-American Press Association (IAPA), however, recently reprimanded the Government for allegedly intimidating El Diario de Caracas (EDC) for its investigative reporting and critical commentary. IAPA published an open letter to the Government to protest what it claimed were restrictions on the freedom of the press. Echoing complaints registered by journalists before a Venezuelan congressional committee, IAPA held Venezuelan authorities responsible for the suspension of radio programs and newspaper columns and judicial intimidation of journalists, including the jailing of the EDC editor Rodolfo Schmidt on charges of defamation.

Venezuela has 3 nationwide television networks, a regional television station, over 156 radio stations, and numerous newspapers and magazines. The current administration's plans to invest in a newsprint plant have raised fears of enhanced government influence on Venezuela's privately owned print media. The Government currently subsidizes newsprint consumption through preferential exchange control and is a source of advertising revenue for the media. There is no evidence it has used economic measures to influence the press.

Professional and academic associations operate without interference.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association is respected. Public meetings, including those of all political parties, are held without interference. In the interest of public safety, permits are required for public marches.

An object of "special protection" under the Constitution, labor unions are free, independent, and powerful. They have the right to strike and to bargain collectively. Unions associate with the recognized public and private international bodies in their fields. The Confederacion de Trabajadores de Venezuela, an affiliate of the International Confederation of Free Trade Unions, dominates organized labor in Venezuela and has close ties to the ruling Accion Democratica party. Other confederations occupy a lesser role on the labor scene.

c. Freedom of Religion

The population is overwhelmingly Roman Catholic, although other religious groups enjoy freedom of worship and proselytize actively. A number of Protestant evangelical groups in remote areas of Venezuela are performing humanitarian as well as missionary work among the local population.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens of Venezuela generally have freedom to travel within the country, abroad, and to return. Travel in the Amazon military zone is an exception and requires a special permit for security reasons. Venezuelans may emigrate without interference.

Citizenship can be renounced. Recovery of nationality requires a residence period of 2 years for Venezuelan-born repatriates. The Constitution provides for revocation of citizenship for naturalized citizens on specific and limited legal grounds.

Venezuela has traditionally been a haven for refugees and displaced persons from many European and Latin American countries. Refugees are given normal residence status and can be expelled only for criminal activities. A special family reunification program exists for Cuban refugees living in Venezuela. In September Venezuela acceded to the United Nations Protocol Relating to the Status of Refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Government is freely elected. As a multiparty democracy, the political process is open to all; opposition views are freely expressed and persons from the entire political spectrum contend for positions ranging from municipal council seats to the nation's presidency. Some of the minor parties are outgrowths of former guerrilla organizations, and they currently hold about seven percent of the seats in the national legislature. The two major centrist parties, Social Democratic and Social Christian, encourage and support participation of minority parties in the political process. This support reflects a widespread desire to have radical elements participate in the electoral process rather than engage in armed insurrection. These minor, mainly leftist, parties have been unable to win the electoral sympathies of voters and have, therefore, been unable to increase their percentage of representatives in the national legislature.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Venezuela is a vocal critic of governments that commit or tolerate widespread human rights violations. It supports international human rights organizations. Amnesty International and the Latin American Foundation for Human Rights and Social Development have offices in Caracas. Venezuela is a member of the U.N. Human Rights Commission.

VENEZUELA

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There is no evidence that economic and social needs and cultural aspirations are denied on a discriminatory basis to any portion of the population.

The Constitution prohibits discrimination on the basis of sex and accords women and children "special protection" in the workplace. Women workers receive extensive maternity leave benefits, and laws limit their amount of involuntary overtime. Women are heavily represented in many of the professions but continue to be underrepresented in the political and economic sectors. Differences still exist between men and women in wage and employment opportunities.

Women are increasingly active in all political parties, professions, public administration, and the judiciary. Two ministers of state are women, and 11 were elected to the 200-member Chamber of Deputies.

Restrictions on property rights based on sex, religion, or social status do not exist, but there are some restrictions on ownership of business property based on nationality.

CONDITIONS OF LABOR

The legal minimum age for employment is 14, with certain other restrictions applying. The Government establishes a minimum wage. The workday is 8 hours, and the workweek 48 for workers over 16.

A complete overhaul of the industrial safety statutes was passed by Congress in September. In practice, enforcement of occupational safety regulations is inconsistent due to the lack of enforcement resources nationwide.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: VENEZUELA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	0.4	0.8	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.4	0.8	0.1
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & MFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.4	0.8	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.4	0.8	0.1
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.4	0.8	0.1
II.MIL. ASSIST.-TOTAL...	0.0	0.1	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.1	0.1
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.1	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.4	0.9	0.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.4	0.9	0.2
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	64.8	514.3	0.0	1220.4
IBRD	0.0	0.0	0.0	348.0
IFC	0.0	0.0	0.0	25.4
IDA	0.0	0.0	0.0	0.0
IDB	64.3	514.0	0.0	808.7
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.5	0.3	0.0	36.2
OTHER-UN	0.0	0.0	0.0	2.1
EEC	0.0	0.0	0.0	0.0

AUSTRALIA

Australia is a longstanding, multiparty, parliamentary democracy operating within a federal system of government. The next federal elections must be held before March 1988.

Australia's developed industrial economy, with important mining and agricultural sectors, provides most Australians with a high per capita income. Furthermore, the Government provides assistance for the minority of relatively disadvantaged citizens. Individuals are free to hold private property, to pursue their economic interests, and to organize trade unions.

Australia has been in the forefront of those countries promoting human rights both domestically and internationally. Fundamental human rights are guaranteed by law and respected in practice. The Government makes a major effort to investigate reports of discrimination. Protection of the rights of Australia's approximately 180,000 Aboriginals is a demonstrated concern of the Government, which recognizes that they are the group in Australia most disadvantaged economically and by societal discrimination, currently and historically.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Killing for political motives by the Government or by Australian political organizations does not occur.

b. Disappearance

There have been no instances of political disappearance.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Australian law prohibits all these practices, and this prohibition is respected. Prison conditions are good.

d. Arbitrary Arrest, Detention, or Exile

Australian law prohibits arbitrary arrest and imprisonment, and this prohibition is respected in practice. Australia has ratified and fully respects International Labor Organization (ILO) Convention 105 concerning forced labor.

e. Denial of Fair Public Trial

Australian law guarantees the right to both a fair hearing and a fair public trial with an unimpeded right of counsel. Free counsel is provided to indigents accused of crimes.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under Australian law and in practice, no search may be conducted without a judicially issued warrant. Australia is a nation of liberal political traditions and common law, and the Government does not interfere with the privacy of family, home, or correspondence.

AUSTRALIA

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

A functioning democratic political system, an effective judiciary, and a large, diverse, and independent press combine to ensure freedom of speech and the press.

b. Freedom of Peaceful Assembly and Association

While Australia does not have a Bill of Rights, it is a signatory to the U.N. International Covenant on Civil and Political Rights, which guarantees freedom of assembly and expression.

Australian law and practice afford workers great freedom to establish and to join trade unions, to choose their union representatives, to formulate union programs, and to be represented in negotiating the prevention and settlement of disputes with employers. Unions are extremely active and powerful. Industrial disputes are arbitrated by a system of industrial courts.

c. Freedom of Religion

There is complete freedom of religion. A provision in the Constitution precludes the adoption of an official state religion. Australians are free to practice what religion they choose and to maintain links with coreligionists abroad.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on movement within or outside of Australia, including the right of emigration and repatriation.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Australians participate in their government by electing a two-chamber Federal Parliament as well as numerous state and local bodies. Voting is compulsory in general elections for Australians 18 years of age and over.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

It is the Government's policy to respond to any communication it might receive from the United Nations alleging any violation of human rights in Australia. The Government also allows unimpeded access to all international and nongovernmental groups investigating alleged human rights violations.

Internationally, Australia has been active in promoting human rights as a member of the United Nations Human Rights Commission, the United Nations Working Group on Indigenous Populations, and in other forums.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Australia's people have equal access to government services without reference to race, sex, religion, language, or social

status. Basic food, shelter, health care, education, and social security benefits are guaranteed for all. Australian law prohibits discrimination on grounds of race, color, descent, or national or ethnic origin under the Racial Discrimination Act of 1975.

The Government acknowledges that the Aboriginal population is the most disadvantaged group in such areas as education, housing, health, and employment. It has a broad range of programs aimed at providing Aboriginals services available to other Australians, plus additional services to improve their socioeconomic conditions. Aboriginal land rights remain a controversial issue. The present Federal Government is committed to some form of land rights justice, preferably implemented by state legislation. It does not intend to proceed with national land rights legislation at this time.

The Sex Discrimination Act of 1984 prohibits discrimination on the basis of sex, marital status, or pregnancy.

CONDITIONS OF LABOR

Australia has long had a tradition that workers should be guaranteed a decent standard of living. The minimum wage is reviewed every 6 months by the Federal Arbitration and Conciliation Commission with this in mind. A complex body of regulations and Commission decisions prescribes the 40-hour (often 38-hour) week, paid vacations, and health and safety standards in the workplace, as well as other benefits, for the overwhelming majority of Australian workers. Australia is in the forefront of countries adopting regulations protecting children from dangerous or unsuitable employment.

Women constitute 39.5 percent of the Australian work force. Although women are beginning to enter jobs previously occupied only by men, they remain concentrated in a narrow range of occupations predominantly occupied by females, characterized by relatively low pay and low status. In 1986 the Government passed affirmative action legislation obliging employers to take corrective action where there is underrepresentation of women employees.

BRUNEI

Brunei is a small, wealthy, Islamic monarchy located on the north coast of Borneo. Although there are substantial Chinese and other minorities, it is predominantly Malay in population. Brunei is a hereditary and traditional Sultanate that has been ruled by the same family for over 500 years. A British-protected state until January 1, 1984, Brunei has been internally self-governing since 1959.

A Constitution promulgated in 1959 provided for the first sharing of political power by the Sultan, who since independence has been advised by a Council of Ministers. The Constitution, however, permits the Sultan to override the decisions of legislative and executive bodies in most instances. In elections for a legislative council in 1962, a party opposed to policies of the Sultan won a large majority; tensions over policy differences led to an armed uprising in December 1962 that was quickly put down by British troops. The Sultan then invoked an article of the Constitution allowing him to assume emergency powers for 2 years. This state of emergency has been renewed every 2 years and is still in force. Although the Constitution is not suspended, the state of emergency allows the Sultan great latitude in ruling by orders. / These orders have in effect suspended certain articles of the Constitution.

Since 1962 there have been no disturbances or agitation in Brunei. Economic factors have much to do with the prevailing general sense of well-being. Relative to its small population of about 220,000 people, Brunei produces substantial amounts of petroleum, roughly 160,000 barrels of crude oil per day plus slightly over 5 million tons of liquified natural gas (LNG) per year. It has one of the highest per capita gross domestic products in the world. The oil and LNG revenues enable the Government to provide free medical care, schools, and free university training. A large proportion of the Malay population is employed by the Government at generous salaries which permit a higher standard of living than in surrounding countries. Government employees are also eligible for low-interest or no-interest loans to purchase homes, automobiles, and appliances. The nation's other large employer, Brunei Shell Petroleum, provides comparable benefits. Brunei has no income tax.

The human rights situation in Brunei in 1986 remained essentially unchanged.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no known instances of politically motivated killings.

b. Disappearance

There were no known disappearances nor was there evidence of persons having been abducted, secretly arrested, or clandestinely detained.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were no known instances of people having been subjected to torture or cruel, inhuman, or degrading treatment or punishment. Prison conditions are good.

d. Arbitrary Arrest, Detention, or Exile

There were no allegations or known instances of people detained, punished, or tried for the expression of views critical of or different from those of the Government in 1986 or any recent year. Six detainees from the insurrection of 1962 and from the mid-1970's were released during the year, but it is estimated that as many as five may still be held. Several leaders of the 1962 insurrection live abroad. They have not been sentenced to exile, a punishment that is not practiced in Brunei, but may still fear that they would be imprisoned if they should return home. Detention conditions for detainees are modern and comfortable.

Brunei does not permit forced or compulsory labor and there have been no reports of this practice.

e. Denial of Fair Public Trial

The legal system in Brunei is in most respects derived from the British system. Those suspected of common crimes are detained, tried, and punished according to the law. Lacking a senior judiciary of its own, the Brunei High Court has for its Chief Justice a British judge seconded from Hong Kong. There were no known instances of interference with the judiciary by the Government in 1986 or in any other recent year.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although the Government may intrude into the privacy of individual persons, families, or homes, in practice it does not do so.

Section 2 Respect for Civil Liberties, Including;

a. Freedom of Speech and Press

Although a political party was organized in 1985 with government approval, there have been no challenges which would have tested the Government's degree of tolerance in the political arena.

Brunei's only television station is government owned (two Malaysian stations can also be received). It consistently avoids controversial issues, as do the newscasts on local radio stations. The single weekly newspaper also usually avoids controversial issues. It may occasionally address issues embarrassing to the Government, but sometimes attributes such coverage to the foreign news media. Distribution of a weekly overseas magazine that once published articles considered critical of the Government has resumed.

b. Freedom of Peaceful Assembly and Association

The Government permits the formation of associations for many kinds of private economic, recreational, or other purposes

without interference, but it requires their registration. There are no reports that registration has been denied by the Government. In May 1985, the Government allowed establishment of the Brunei National Democratic Party (BNDP), the first political party since party activity ended in 1967. Just before its first public meeting, the Government announced that government employees could not attend party meetings, become members of political parties, or otherwise engage in organized political debate. Few members of the public were attracted to the party's launching assembly (the local press reported fewer than 100 people attended) and the longer term prospects of the party are unclear. There have been no other known instances of government interference with party membership drives. Party officials, in conversations with the foreign press, have outlined clearly their objectives.

c. Freedom of Religion

Islam is the official state religion, but the Constitution guarantees freedom of worship for other religions and this right is freely exercised.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on freedom of movement in the country or abroad for its citizens. Brunei has not been willing to accept refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Under the continuing state of emergency there are no representative bodies at the national or local level. Citizens can effect changes in government only by working through appointed village headmen and district officers, who meet regularly with their constituents.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no chapters of Amnesty International or other organizations concerned with human rights in Brunei.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The status of women in Brunei is similiar to that in surrounding countries. Women are not under legal pressure to observe strict Muslim standards of dress, although most Muslim women do observe these standards. Non-Muslim women generally dress conservatively. Women are widely employed in the Government, primarily in clerical and secretarial positions. A few hold professional senior level positions.

The great majority of the substantial Chinese minority in Brunei are not citizens (those having no claims to other nationalities were "British-protected persons" prior to independence and are now either stateless permanent or temporary residents). Many of the Chinese are temporary residents from other countries and some of these have been in Brunei for many years. In general, the Chinese community has prospered in Brunei and much of the country's commercial activity is in Chinese hands.

BRUNEI

CONDITIONS OF LABOR

Working conditions are subject to inspection by the Labor Commission on several types of occasions: routinely, annually, at the time of immigrant worker quota renewal, and in response to complaints. These inspections concern adherence to minimum safety and health standards and compliance with compensation plans as filed with the Labor Commission. Brunei does not have a minimum wage law, but the Labor Department determines a "prevailing wage" for each worker category. Employers are required to pay at least the prevailing wage to obtain approval for a worker quota. In practice, given the shortage of labor, market forces allow most citizens of Brunei to command wages above prevailing wage rates. Employment of children below the age of 16 is prohibited, and below the age of 18 requires the written consent of the child's parent or guardian and approval of the Labor Commission. However, older children often help out with a family enterprise when school is not in session. Another restriction is that women under 18 may not work at night or on offshore oil platforms. Work in excess of 48 hours requires payment of overtime. Double time must be paid for work performed on legal holidays.

BURMA

The Socialist Republic of the Union of Burma is a one-party, authoritarian state whose leaders come from a narrow elite within the military. The ruling Burma Socialist Program Party (BSPP) parallels and dominates the Government. It is subordinate to its chairman, U Ne Win, who commanded the army when he took power in a 1962 coup. The 1974 Constitution established the framework of Burma's one-party Government, recognized the BSPP as the sole legal political party, and gave it responsibility to "lead the state." The Government is headed by a 29-member Council of State whose chairman, U San Yu, is ex-officio President of Burma. A unicameral National Assembly consisting of 489 members elected for 4-year terms is the titular source of all power in the state. Candidates for election to the various levels of state administration are nominated by the party and run unopposed, though they can be defeated by a negative vote. Nonparty members are permitted to run for the Assembly and local "peoples' councils" (the basic unit of local administration), but candidates must be approved by the BSPP. Opposition political groups are banned and public criticism of the Government is not tolerated.

A 1975 antisubversion law codified the wide discretionary powers of government security agencies. Besides several government organizations charged with state security, each local people's council has its own security committee with block and neighborhood wardens. In addition, the BSPP has a system of local informants.

Since the early 1960's, the Government has been trying to build a centrally planned economic system under an ideological program known as the "Burmese Way to Socialism." Most significant economic enterprises are government owned. For many years, the Government pursued a rigid policy of economic self-sufficiency. The Government recently has tempered its doctrinaire socialism with some pragmatic economic measures, including greater tolerance of the private sector and acceptance of foreign grant and loan capital. However, statistically, Burma remains among the world's least developed countries. Although the State retains ultimate rights to all land and natural resources, the right to own property is recognized by the Constitution and respected in practice.

An important factor affecting the human rights situation continues to be the widespread insurgencies. Dozens of different insurgent groups, based primarily on Burma's ethnic minorities, have been fighting the Government for decades. Some of these groups are fighting for autonomy or independence and against what they perceive to be domination by ethnic Burmans. The Burma Communist Party (BCP) also has been fighting for nearly 40 years to overthrow the Government. It and many of the insurgent groups traffic in narcotics to finance their operations. Some of the groups are in effect narcotics syndicates with private armies.

There continue to be a number of serious human rights problems in Burma. Authoritarian control over the political and economic system essentially is unchanged. Abuses of human rights by all sides in the insurgencies continue. Persons of non-Burmese ancestry continue to face elements of institutionalized discrimination.

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BURMA

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Although summary executions are not allowed under the Burmese judicial system, there were reports that government forces executed captured prisoners or killed suspected insurgent supporters during military operations. There also were frequent credible reports of noncombatant deaths resulting from military/insurgent clashes.

Some insurgent groups carried out summary executions of prisoners, opponents, and suspected informers. Attacks by insurgent groups against civilian targets continued and included shelling towns, mining trains, kidnaping, and assassination.

b. Disappearance

There were no specific reports over the past year of people being abducted, secretly arrested, or held in clandestine detention by security forces. There is usually no attempt to conceal common criminal or political/security arrests from family members, although details about the charges may not be revealed. Some insurgent groups resorted to abduction as a political weapon to coerce local inhabitants into cooperation.

c. Torture and Cruel, Inhumane, or Degrading Treatment or Punishment

Although the Constitution provides that punishment shall not be in violation of human dignity, and the Government denies that torture or inhumane treatment is practiced, reports over the years suggest that the police and other security forces sometimes use psychological coercion and torture during investigations in both common criminal and political/security cases. There were also reports of mistreatment of some low-level political/security prisoners in regular prison facilities. Prison conditions are poor as a consequence of the generally low standard of living, overcrowding, low government expenditures, and limited staff.

Insurgent groups sometimes employ death threats, beatings, and other forms of physical and mental coercion against opponents or villagers who refuse to cooperate with them. There were reports that insurgent groups tortured captured government soldiers in the course of gathering information about Burma army operations.

d. Arbitrary Arrest, Detention, or Exile

There is no provision in Burmese law for a person in detention to seek a judicial determination of the legality of his detention. In serious cases involving national security, some persons may not be formally charged but held in indefinite detention without trial. In less serious political/security cases, detention is nominally limited to 180 days, but this may be extended with Cabinet approval.

In common criminal cases, police may detain suspects up to 24 hours, after which a court order must be sought from competent judicial authorities. These renewable court orders authorize

14-day extensions of the detention until charges are formally brought before a court. Detainees frequently are held incommunicado during the period of investigation and interrogation but normally are allowed visitors thereafter. In August, perhaps as many as 200 persons were arrested for their involvement with foreigners in various smuggling and illegal currency activities. A few of these have been released, but many have not yet been charged. Most are being detained under the 180-day provision mentioned above.

Refugees and other stateless persons are regarded as illegal immigrants subject to arrest. If they cannot be repatriated after serving sentences for illegal entry, they may be detained indefinitely. The Government is thought to have under detention several hundred illegal immigrants from a number of Asian countries. It reportedly is willing to release those remaining if they are accepted for permanent resettlement elsewhere.

Burma's Legal Code does not contain any statutory prohibition of forced labor. The Burma army frequently conscripts civilian males in the vicinity of military operations (primarily in areas populated by ethnic minorities) for porter duty. Some of these porters are killed by mines planted by insurgents and in military engagements. Insurgent groups also press-gang villagers into service as recruits or porters.

e. Denial of Fair Public Trial

A 12-member Council of People's Justices (CPJ) exercises national jurisdiction (on an appellate basis only) and supervises courts at 3 lower levels. At the lower levels, justice is administered by three-judge panels. These panels are elected from a single slate of candidates chosen by the BSPP. All judges are BSPP members, and a large number are active or retired military officers. They are untrained in the law but normally advised by professional legal officers.

The judiciary is not independent of the Government, which can influence both verdict and sentence, particularly in political/security cases. Influence, payments, and favors are often factors in lower court decisions. Tight control through BSPP channels and the mandatory use of three-judge panels tend to restrain judicial activism. At the same time, lower court judges are not always accountable to the CPJ. In March, discussions in the National Assembly revealed that the CPJ had had to reissue in 1981, and again in 1985, a 1975 directive to lower courts on minimum sentences in criminal cases.

The legal code is based upon the British colonial system of law with an overlay from the present Constitution and other legal measures imposed by the Government. The Constitution provides for public trials in most cases, and this practice is followed in common criminal cases. In political/security cases, special judiciary committees may be named by the Council of State. The public normally is not allowed to attend such trials.

The burden of proof is on the prosecution in both common criminal and political/security cases. The accused has the right to counsel in both types of cases and legal counsel is provided for indigent defendants faced with a possible sentence of 7 years or more. Normally, defendants can consult freely and privately with their lawyers. Defendants and their lawyers also are made aware of the charges and evidence and

are permitted to submit their own evidence. The verdicts of civil, security, and military courts may be appealed to the next higher court up to the Council of State.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

In common criminal cases, police officials are required to have a valid search warrant or to be accompanied by a member of the local People's Council at the time of search. Search warrants are issued by local or state Judges' Committees. In political/security cases, security forces are not subject to judicial procedures and usually enter homes without warrants. In areas of insurgency, forced entry and warrantless searches are carried out by government security forces and rebel groups alike. It is widely believed that security personnel monitor private correspondence and telephone calls. A well-developed system of neighborhood informers reports on dissent and criticism of the Government.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There are significant restrictions on freedom of speech and press in Burma. The Constitution guarantees freedom of speech, expression, and publication but stipulates that the exercise of such freedoms should not be "contrary to the interest of the working people and socialism." In practice, opposition viewpoints and public criticism of the Government are not tolerated. Party members can express some views about economic problems or bureaucratic failures, but outspoken members can be disciplined or expelled. Anyone criticizing the Government's leadership in public or private is subject to arrest, although muted private criticism is usually ignored.

The Government owns and operates the mass media in Burma, including television, radio, and the six national newspapers. There are some private periodicals. Newspaper editors are appointed by the Ministry of Information and editorials must be approved in advance. Journalists are subject to strict guidelines as to what can be broadcast or published, especially on domestic matters. Although subject to prior review and selection, international news reporting is generally objective and balanced.

Criticism of government officials is not permitted in the press, although cartoons and editorials will sometimes criticize local administration indirectly. All forms of communications--domestic and imported books and periodicals, stage plays, motion pictures, and musical recordings--are subject to government control and censorship. The Government monitors academic inquiry in the social sciences. The difficulty of obtaining scholarly publications from abroad and of communicating with foreign scholars impedes academic research, although there have been improvements in recent years.

b. Freedom of Peaceful Assembly and Association

The Constitution guarantees the right of assembly and association, but only for those organizations permitted by law. In practice, most legitimate organizations are linked to the BSPP. BSPP "mass organizations" for workers, peasants, and youth have been established at every administrative

level. These organizations serve primarily as vehicles for communicating national policies and implementing government programs. Opposition political groups are banned, and their members are subject to arrest. Public meetings must be sanctioned by the Government.

There is no independent labor movement in Burma. Workers do not have the right to organize independently, to bargain collectively, or to strike. The labor force is organized into BSPP-controlled workers' and peasants' mass organizations. Most of the leaders of these organizations are party officials, and the national leadership is made up of ranking party and government officials. For example, the workers' organization national chairman is also the Minister for Social Welfare and Labor, and the peasants' organization chairman is also the Minister for Agriculture and Forests; both are members of the BSPP's Central Committee.

Labor disputes in both the public and private sectors are mediated by arbitration boards composed of worker, management, and government representatives. In practice, these committees are under the control of the workers' association, and the BSPP, working through the Government, decides disputes. In the public sector where workers, management, and government representatives are all generally party officials, the process has little meaning. However, in the private sector this process can provide workers with a real voice. Burma is a member of the International Labor Organization (ILO). Labor organizations and other professional associations are generally not permitted to maintain independent relations with international private bodies.

c. Freedom of Religion

Burma is a secular state dominated by the Burman ethnic group. Freedom of religion is guaranteed in the Constitution and widely observed in practice. The great majority of Burmese are Buddhist, although there are sizable Christian, Muslim, and animist minorities based principally in various minority ethnic groups. While minority religious groups are allowed to practice freely, some persons of mixed Burman and ethnic minority ancestry have been known to convert to Buddhism as a way of strengthening their claim to be considered ethnic Burmans.

Religious groups can and do maintain links with coreligionists in other countries, such as with the Vatican in the case of Catholics. Religious travel such as the Hajj is permitted and in some cases subsidized by the Government. Foreign religious representatives are usually allowed only tourist visas and are not permitted to preach or proselytize, although a few foreign missionaries who are longtime residents of Burma have been permitted to remain and serve their congregations.

All religious organizations are required to register with the Government. Religious publications are subject to the same government control and censorship as other publications. On occasion, the Government has used a nationalization law to take control of the property of religious organizations. It continued to try to limit the activities of Buddhist monks, promulgating new rules governing their behavior in public places.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution guarantees Burmese citizens the right to live anywhere in the country. Except for limitations in areas of insurgent activity, Burmese citizens can travel freely within the country but must inform local authorities of their temporary place of residence. Noncitizens, including persons born in Burma who hold foreigners' registration cards, must obtain prior permission to travel.

Legal requirements and bureaucratic procedures cause long delays in obtaining passports, and the right to emigrate often is denied. Severe limits are placed on what emigrants are allowed to take with them. Before traveling abroad, private citizens normally must reimburse the Government for their university and professional education and pay income tax in advance. Persons who retain Burmese citizenship and who left the country legally are generally allowed to return to visit relatives. Burma does not recognize dual citizenship: acquiring citizenship in another country results in the loss of Burmese citizenship. A 1986 relaxation of procedures permits overseas resident Burmese citizens who return to Burma for less than 2 weeks to retain their passports during their stay in Burma. Previously, all such visitors had to relinquish their passports and reapply to leave Burma, a process which took 1 to 2 months. Emigrants wishing to return permanently are still required to reapply for Burmese citizenship. In general, those who leave the country illegally cannot legally return.

Burma does not permit foreign refugees or displaced persons to resettle or seek safe haven within Burma. The Government treats persons claiming to be refugees as illegal immigrants and incarcerates them.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Burma has an authoritarian, one-party system in which leadership is essentially drawn from a small elite within the military officer corps. All government institutions and other organizations in Burma are subordinate to the guidance of the ruling BSPP. The party in turn follows the leadership of Chairman U Ne Win, who has personally ruled and guided the formulation and execution of national policy for the last two decades.

Ethnic Burmans dominate the political system although the party seeks to expand participation by Burmese ethnic minorities. Women are underrepresented both in the Government and in the Party relative to their percentage of the general population.

Political opposition is not tolerated, and opposition political parties are illegal. The BSPP is used to mobilize popular support behind decisions of the leadership rather than as a vehicle to express the individual or group opinions of the members. The party chooses a single slate of candidates for government offices. Although party nominees run unopposed, they must receive 50 percent of the vote to be elected. In party and governmental decisionmaking assemblies, votes are almost always unanimous.

Party candidates generally win elections at state and division levels. But at the township levels and below, several thousand party candidates have not been elected recently, and many who were elected barely met the 50 percent vote requirement. If the electorate refuses party candidates three times, party candidates from outside the district are brought in. However, when such plans are announced, the township usually opts for local party candidates over outsiders.

Under the 1982 citizenship law, ethnic Burmese, including indigenous minorities, enjoy advantages that are not available to immigrants and their immediate descendants. The law significantly limits the political rights of immigrants (primarily ethnic Chinese and Indians) whose parents or grandparents are not citizens. Full citizenship is conferred only on those whose ancestors lived in Burma prior to the first Anglo-Burman war in 1824.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Burmese Government does not permit investigations of its human rights practices, nor is it willing to discuss human rights problems with outside governmental or nongovernmental organizations. The Government has permitted visits by U.N. organizations such as the ILO and the Office of the United Nations Commissioner for Refugees (UNHCR) to discuss a few specific issues. No Burmese organization, governmental or private, monitors the human rights situation in Burma, nor does Burma actively participate in international or regional human rights bodies.

Section 5 Discrimination Based on Race, Sex, Religion Language, or Social Status

Burma's numerous ethnic minorities have their own distinct cultures and languages, and many of the minority groups have historically resisted assimilation. Economic development among minorities has lagged, and many still live at the subsistence level. This is due in part to geographic factors which impede economic development in rugged, isolated ethnic minority-populated border areas. Burma's chronic insurgencies, many of which are based on ethnic minority groups' perceptions of Burman dominance of the country at the expense of the minorities, also play a large role in lagging economic development. Minorities are underrepresented in the BSPP and Government, are largely excluded from the military leadership, and sometimes suffer other forms of discrimination. Persons of nonethnic Burmese ancestry, primarily Indians and Chinese, while denied full citizenship status and excluded from party or government positions, continue to play an important role in the economy.

Women in Burma have distinct social roles, which vary with their cultural traditions and ethnic backgrounds. In general, Burmese women enjoy most of the same legal rights as men. They keep their own names after marriage, are active in trade, and often control family finances. There are few women in the senior ranks of government service, although younger women are entering universities and the civil service in increasingly large numbers.

BURMA

CONDITIONS OF LABOR

Burma is continuing to revise and update its labor laws. At present the minimum age for workers is 15. There is a 5-day, 35-hour workweek for employees in the public sector and a 6-day, 44-hour workweek for private and parastate sector employees, with overtime pay for additional work. Workers have 21 paid holidays a year, and there are numerous legal provisions to protect workers' health and safety. The minimum legal wage is about 75 cents per day. In the private sector the minimum wage law applies only to cheroot-rolling plants and rice mills. The gap between legal provisions and actual conditions can vary widely, with government entities and government corporate enterprises coming closest to the legal standards. The Law Commission of the National Assembly has under consideration legislation concerning ILO Conventions 17 (workers' compensation) and 52 (hours of work). Because the Commission has a large backlog of work, it is not expected to consider this legislation or send it on to the Assembly any time soon.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BURMA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	14.6	20.5	16.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	14.6	20.5	16.2
A.AID	12.2	15.0	9.9
LOANS.....	0.0	0.0	0.0
GRANTS.....	12.2	15.0	9.9
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & MFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	2.4	5.5	6.3
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.4	5.5	6.3
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	2.4	5.5	6.3
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.1	0.2	0.3
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.2	0.3
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.1	0.2	0.3
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	14.7	20.7	16.5
LOANS.....	0.0	0.0	0.0
GRANTS.....	14.7	20.7	16.5
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	130.8	50.7	65.0	1480.1
IBRD	0.0	0.0	0.0	33.1
IFC	0.0	0.0	0.0	0.0
IDA	54.7	32.3	30.0	727.0
IDB	0.0	0.0	0.0	0.0
ADB	71.6	10.0	35.0	551.0
AFDB	0.0	0.0	0.0	0.0
UNDP	4.5	8.4	0.0	96.3
OTHER-UN	0.0	0.0	0.0	72.7
EEC	0.0	0.0	0.0	0.0

CAMBODIA

The overriding fact in Cambodia is the ongoing struggle for control which began in January 1979, when the Vietnamese army drove the Khmer Rouge Communist regime of Democratic Kampuchea out of Phnom Penh and installed its own puppet regime, the so-called People's Republic of Kampuchea (PRK), under former Khmer Rouge division commander Heng Samrin. Vietnam, through the Heng Samrin regime, controls most of Cambodia, including all major cities and towns, by force of arms. Widespread abuses of human rights in Cambodia stem largely from the occupation presence of at least 10 Vietnamese army divisions and a country-wide civil-military control apparatus which maintain the Heng Samrin regime in power. This control is challenged by a three-part Khmer resistance movement, the Coalition Government of Democratic Kampuchea (CGDK), which holds Cambodia's seat at the U.N. During the 1984-85 dry season, the Vietnamese army overran the main resistance bases close to the Thai border. Subsequently, the resistance began to implement a guerrilla strategy and to conduct operations throughout Cambodia.

Vietnam has attempted to develop political and economic institutions following the Vietnamese model in the areas under its control. Power is restricted to the Communist Kampuchean People's Revolutionary Party (KPRP), which is dominated by the Communist Party of Vietnam. Vietnam seeks popular support for the Heng Samrin regime and acceptance of its own military occupation by highlighting the brutality of the former Khmer Rouge regime and warning that the Khmer Rouge would return to power if Vietnamese troops left Cambodia. Vietnam has declared that by 1990 the process of institution-building within the Heng Samrin regime would be completed and the Vietnamese army would leave Cambodia. However, the growing dissatisfaction with Vietnamese control and increasingly effective resistance to Vietnamese occupation make it unlikely that the Heng Samrin regime will be able to sustain itself without Vietnamese troops for the foreseeable future.

The CGDK was formed in 1982, when two non-Communist resistance (NCR) groups joined with the Khmer Rouge, which now has between 40,000 and 50,000 armed men. While in power from 1975-1979, the Khmer Rouge compiled one of the worst records of human rights violations in history as a result of a thorough and brutal attempt at restructuring Khmer society. The number of Khmer who died as a result of such policies was probably at least 1 million. Since their overthrow by Vietnam, the Khmer Rouge claim to have abandoned their radical ideology. They are attempting to gain the favor of the Khmer people by public support for traditional institutions such as Buddhism and by publicizing their links with the popular former ruler, Prince Sihanouk.

In an attempt to achieve international respect, the Khmer Rouge formally dissolved the Communist Party of Kampuchea in 1981, and Khmer Rouge strongman Pol Pot purportedly "retired" to an advisory role in 1985. However, the Khmer Rouge top leadership remains in place. A number of recent incidents have been reported in which the Khmer Rouge acted with great brutality and no reliable evidence exists that they have given up their ultimate goal of regaining power in Cambodia.

The Khmer People's National Liberation Front (KPNLF), which reports approximately 14,000 men under arms, is the larger of the two NCR groups. It is led by former Prime Minister Son Sann and espouses parliamentary ideals of government. It was

formed in 1979 with the merger of several existing NCR groups, many led by former soldiers from the period of the pre-1975 Khmer Republic. Lack of discipline in the KPNLF ranks resulted in criminal attacks, extortion, and other crimes against some Thai villagers and Khmer and Vietnamese refugees in the Thai-Cambodian border areas.

The other NCR group and the third group in the coalition is the National United Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia (FUNCINPEC), headed by Prince Norodom Sihanouk, who ruled as hereditary king and later head of state until 1970. The appeal of this organization centers on the Prince's international stature and his popularity within Cambodia. The Sihanoukist National Army (ANS) has approximately 9,000 armed soldiers.

During 1986 systematic violations of human rights continued in Cambodia, as Vietnam relied on force to maintain its client regime in power against the popular will. The Vietnamese continued large-scale forced labor work projects in support of combat operations in western Cambodia during 1986, in an attempt to cut off infiltration by the resistance. As a result, there have been heavy casualties due to mines and disease, with reports of over 5,000 deaths from disease alone in 1985. Delegations from the Lawyers Committee for Human Rights visited resistance-controlled parts of Cambodia in November 1984 and January-February 1985, conducting in-depth interviews with over 150 people. Resistance authorities did not permit them to visit Heng Samrin-controlled areas. The Committee's report concludes that, "beyond its general and pervasive control of expression and political thought, the (PRK) regime has sought to stamp out opposition--both real and imagined--with a systematic practice of arbitrary arrest, brutal torture, and indefinite detention under degrading conditions, at times resulting in death."

The scope of military and paramilitary activity and associated violence by both Vietnam and the Khmer resistance groups grew in 1986 as resistance forces increased the geographic spread of their activities. In their fight against the Vietnamese, the Khmer Rouge have employed terrorist tactics against Khmer civilians, including murder and destruction of economic resources.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Reports of political killing in the Vietnamese-controlled areas of Cambodia have declined since an intensive Vietnamese/Heng Samrin internal security campaign against suspected opponents in 1983. Khmer resistance groups continue to report instances of Vietnamese and Heng Samrin officials killing suspects during interrogations. Death in captivity due to torture or other mistreatment is common, according to the testimony of former prisoners. The Lawyers Committee also claimed that KPNLF units had conducted summary executions.

Civilians continued to be killed in 1986 during attacks by the Khmer Rouge on lines of communication and other economic targets. Defectors from the Khmer Rouge report that prisoners in Khmer Rouge jails have been killed by mines while performing

forced labor, such as transporting supplies for guerrilla forces in Cambodia. Some former Khmer Rouge believe that those deaths were intended by the Khmer Rouge. One former Khmer Rouge military officer who defected in 1985 claimed that individuals had been executed for marrying without permission.

b. Disappearance

There have been reports that Heng Samrin security officials have been responsible for the disappearance of persons suspected of being opponents of the regime. Although most of those who have disappeared apparently have been imprisoned, some may have been killed.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Physical torture has been reported both from rural areas and from Phnom Penh prisons. The Lawyers Committee for Human Rights reports from its 1984-1985 interviews that persons suspected of resistance activity are "routinely tortured" in the early months of detention by Vietnamese and Heng Samrin officials. According to reports gathered by Amnesty International in 1986, people suspected of being involved with the resistance run the highest risk of torture, although people alleged to have expressed opinions critical of the Heng Samrin regime's policies or the role of the Vietnamese in the country are also said to risk torture, as are those thought to be trying to leave or return from areas under the control of the resistance. Torture has been reported to take place throughout the country at facilities under the control of both the Ministry of Interior (and its subordinate civil police forces) and the armed forces, including jails run by the Ministry of Defense in Phnom Penh. Vietnamese "experts" are reported to have participated in or been present during torture at these centers, especially those at the provincial level and above. Such "experts" are also reported to have tortured political suspects in centers run exclusively by Vietnamese. These include jails run by their propaganda and education brigades in the provinces and by the head offices of their "expert" corps in Phnom Penh.

According to Amnesty International, a variety of different tortures are reported to have been inflicted on political suspects detained for interrogation. The most commonly cited are lengthy and repeated beatings and whippings. Detainees are said to have been punched and kicked on the body, head and extremities; struck with pistol and rifle butts, truncheons, wooden staves with sharpened edges, and bamboo or iron bars; and whipped with electrical or steel cables, chains, rubber hoses, or wet gunny sacks. The victim may be tied up during these assaults or blindfolded and hung upside down from the ceiling with ropes.

Other reported tortures, inflicted either after or in conjunction with sustained beatings and whippings, include near suffocation with plastic or rubber bags, near drowning in vats of water; application of electric shocks on the ears, eyes, or extremities; forcing of fish sauce or soapy water up the nose; blowing of lye powder into the eyes, nose, mouth and lungs; extended exposure under corrugated iron to intense heat; and the insertion of nails through the thigh muscle to the bone. According to a number of reports, suspects have been threatened with being shot or beaten to death during

interrogation and have been subjected to mock executions.

Both Amnesty International and the Lawyers Committee note that detainees undergoing interrogation in centers higher than the district level are generally held incommunicado in small and completely lightless solitary confinement cells that are poorly ventilated and unsanitary. They are constantly immobilized by shackles on both legs; sometimes they also are handcuffed. They are allowed no bedding or mosquito netting. Detainees whose ill-treatment during interrogation is being intensified are also deprived of food and water to progressively undermine their physical strength and resistance to illness. They may not bathe or go outside their cells to relieve themselves and are permitted no medication or medical attention.

The aim of this cruel treatment is reportedly to compel detainees to confess to crimes and to inform on other suspects or on people considered opponents by the authorities. Although it is rarely reported that a suspect has been killed during the actual interrogation, there are frequent reports of detainees dying during the indefinite period of detention without charge or trial that usually follows interrogation. Such deaths reportedly occur even though the torture is over and conditions have improved. The causes appear to be a combination of internal injuries sustained during torture, unattended diseases contracted during or after torture, and inadequate diet. Suicides also have been reported, as well as cases of detainees having become insane after torture and ill-treatment.

After several months of the interrogation phase, detainees are usually transferred to larger, "daylight cells" which they share with other prisoners, and eventually to work camps prior to release. A Heng Samrin security service official who defected to the border in late 1984 reported that political prisoners in Phnom Penh were confined in isolation for up to 3 months while being interrogated by the Vietnamese military. This source claimed that criminal suspects were frequently beaten and tortured by the Interrogation Bureau of the Heng Samrin police (the Ministry of Interior). The Lawyers Committee claims that there are numerous instances of torture of political detainees by Interior Ministry personnel.

Cambodians who left Khmer Rouge control in late 1984 report that those who violate minor regulations, for example, by conducting unauthorized trading, are punished by detention and forced labor. Those committing more serious offenses, such as trying to escape from Khmer Rouge control or having unauthorized contacts with foreigners, have been confined in underground cells for periods of up to 3 months or forced to work in dangerous, mine-infested areas. A number of Vietnamese prisoners who had been in Khmer Rouge hands ended up in Thailand following Vietnamese attacks on Khmer Rouge bases in early 1984. Press photographs of the Vietnamese indicated that they were close to starvation. A group of Vietnamese captives released by the Khmer Rouge in 1986 also report being beaten senseless, forced to do hard manual labor, and forced to fight each other for the amusement of their captors. However, other Vietnamese captives released during the year have reported more acceptable treatment by the Khmer Rouge.

Treatment of Vietnamese and Heng Samrin military prisoners by the NCR groups generally has been adequate, but there were a

number of instances in 1986 where Vietnamese and Khmer civilians arriving at the border were abused and held on the Cambodian side for extortion, reportedly by undisciplined elements of the KPNLF. In October 1986, the KPNLF leadership, Thai authorities, the U.N., and the International Committee of the Red Cross (ICRC) cooperated in moving people away from the main area where these abuses were occurring, bringing those practices to a temporary halt. Given the nature of the no-man's land on the Cambodian side of the border, however, the problem may reappear.

d. Arbitrary Arrest, Detention, or Exile

The authorities often detain, interrogate, and jail resistance sympathizers for extended periods of time without formal charges. Separate sections within the Heng Samrin police are responsible for investigation of activities by the non-Communist (KPNLF and ANS) and Communist Khmer Rouge resistance groups. The Ministry of Interior maintains at least three prisons in Cambodia in which suspected supporters of the resistance are held without formal charges, often for periods in excess of 3 years. Provincial police and joint Vietnamese/Heng Samrin military internal security units maintain additional detention and interrogation centers. Regulations of the Heng Samrin regime call for the arrest and "reeducation" of "any person carrying out propaganda campaigns to sabotage internal unity and Kampuchea-Laos-Vietnam solidarity." Such "reeducation" means indefinite detention to force a change in political values.

Combined with brutal treatment of suspected resistance collaborators, the Heng Samrin regime also operates an amnesty program for those resistance soldiers who voluntarily surrender with their weapons to the regime. According to an official of the program who defected in 1986, returnees are debriefed and returned to their home villages. Informers in the village then determine over a period of time whether the individual is an authentic defector or still works for the resistance, in which case he would be rearrested.

There is a virtual absence of legal process under the Heng Samrin regime for those detained. Detainees are almost never informed of the charges against them, nor are they given access to a lawyer or informed of any rights or legal protections.

During 1986 the Heng Samrin regime officially extended compulsory military service from 3 years to 5 for men between the ages of 18 and 30. However, deserters from the Heng Samrin army say that the tour of duty limits frequently are not observed in practice--one claimed that he was forcibly conscripted in 1982 and had still not been discharged, nor had any hope of it, when he deserted to the border in mid-1986.

In Vietnamese-controlled areas, forced labor is common, although it is not primarily used as a sanction or a means of racial, social, or other discrimination. The Vietnamese and the Heng Samrin regime have systematically conscripted Khmer civilians from throughout Cambodia for work on military-related projects in or near combat areas along the Thai-Cambodian border. The numbers of these forced laborers remained in the tens of thousands during 1986 as they were organized into paramilitary units in a massive program to construct physical obstacles to infiltration. They have suffered frequent loss of life from mines, malaria, and other

diseases in the remote border areas. Their forced participation places their lives at risk when Vietnamese or resistance military actions occur nearby.

The Khmer Rouge also require labor from all persons under their control and prevent them from leaving, either to return to areas controlled by the Vietnamese or to join other resistance groups. Khmer Rouge defectors in 1986 report that they were forced to carry supplies and ammunition into the interior of Cambodia in support of military operations, claiming they were punished if they failed to carry out these tasks.

e. Denial of Fair Public Trial

Political prisoners under the Heng Samrin regime are regularly denied the right to trial. Figures on the numbers of political prisoners in Cambodia are only rough estimates. A recent arrival at the border who had been held in the main prison in Phnom Penh estimated the total population to be a little over 1,000. A second prison, Prey Sar, reportedly holds approximately 1,000 prisoners, including many political prisoners. Trapeang Phlong in Kompong Cham Province reportedly contains about 600 prisoners, who are transferred there from Phnom Penh and the provinces for the labor "rehabilitation" phase of their confinement prior to release. The Lawyers Committee heard testimony that the major jail in Battambang held 876 prisoners as of March 1984. A former inmate of the Kompong Som jail reported that in October 1984 it held about 180 prisoners, most of whom had been captured trying to escape from Cambodia. A former prisoner, who escaped from the Koh Kong province jail in April 1985, reported that it held about 120 prisoners, mostly political.

The Lawyers Committee also reported the existence of prisons run by what it termed the Vietnamese "special branch," such as the one designated 7708 in Phnom Penh. This is in fact the designation of 1 of at least 20 propaganda/civic action units of the Vietnamese army which work with Heng Samrin authorities in each of the 4 military "fronts" and special zones in Cambodia to maintain internal security. The Lawyers Committee estimated that political prisoners number in the thousands overall.

The Heng Samrin regime has reestablished courts and begun to develop a legal system. However, trials are used primarily for purposes of propaganda or public intimidation, with the verdict already decided. Show trials in 1980 and 1983 were intended primarily to publicize the "confessions" of the accused. There are few procedural rights for defendants. According to a former prisoner who arrived at the Thai border in 1986 and had gone through a Heng Samrin trial, defendants are required to memorize carefully and rehearse in advance all the questions and answers to be presented in court. A 1982 law on court organization provides the right of counsel only with prior approval of the court. The 1981 Constitution provides for public trials, but allows for closed sessions.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Heng Samrin authorities search whenever and wherever they wish. Networks of informers report to the secret police, and Vietnamese personnel are assigned to monitor all levels of the Heng Samrin internal security apparatus. Refugees arriving at

the border in 1986 also report the development of tightly controlled fortified villages in areas of resistance activity. Access to these villages is controlled by Heng Samrin or Vietnamese troops, and people are forcibly relocated into them to prevent contact with resistance forces. Heng Samrin authorities also began in 1986 to require that families in contested areas account for missing family members. Failure to explain adequately their absence results in the assumption that they are with the resistance and the relocation of the family to a fortified village. There are also reports that the regime confiscates the majority of rice and other foodstuffs from villagers in an effort to prevent cooperation with the resistance.

The Khmer Rouge maintain strict control on the social activity of those under their control. For instance, they punish people marrying without permission, having contacts with foreigners, and listening to unauthorized radio broadcasts.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

In Heng Samrin areas the press and radio are wholly controlled by Hanoi and its client regime. Criticism of the regime is not tolerated, nor are foreign books and periodicals permitted, except those officially distributed. There have been reports of arrests for listening to foreign radio broadcasts. A similar situation exists in the Khmer Rouge camps. The non-Communist groups do not have similar restrictions.

b. Freedom of Peaceful Assembly and Association

The only associations permitted by the Heng Samrin regime are those created to support the regime, such as those for farmers, women, and youth. Organized labor is totally under the regime's control, and industries have organized branches of the official "trade union for national salvation." Collective bargaining is unheard of.

c. Freedom of Religion

When in power in Phnom Penh, the Khmer Rouge disestablished Buddhism as the state religion. Since being driven from power, the Khmer Rouge have tried to give the impression of reform. However, defectors from the Khmer Rouge zone in 1985 report that Buddhism is still discouraged by Khmer Rouge authorities. Christianity and Islam were even more ruthlessly suppressed by the Khmer Rouge when they controlled the country and are not known to have been revived in Khmer Rouge-controlled areas since.

The Heng Samrin regime has permitted the return of religious practices, but has not reinstated Buddhism as a state religion, nor does it actively encourage it. The number of Buddhist temples (wats) is far fewer today than before 1970, and there are generally only two to four monks per wat, far fewer than before the war. It is forbidden for men under 50 years of age to be ordained. Religious affairs are overseen by the National United Front for Construction and Defense, the same government agency that seeks to organize women, youth, workers, and religious groups to support the state. Communities which want a wat must apply to the local front committee for permission. At the second Buddhist Monks'

Conference in Phnom Penh on July 4, 1984, a resolution was passed forcing Buddhism into the "two strategic tasks of the party--namely, to defend the fatherland and build it through the period of transition step-by-step toward socialism." At the Fifth Conference of Buddhist Monks on October 3, 1986, PRK politburo member Chea Sim praised the contributions of the Buddhist monks and laymen in Phnom Penh for their implementation of the party's and state's political line toward Buddhism. In general, the Heng Samrin authorities attempt to use Buddhism as one of a number of organizations for "mass mobilization" to implement party policies. Christian groups are harassed by the Heng Samrin regime. The Protestant and Roman Catholic communities in Phnom Penh reportedly are not authorized to meet. Muslims, most of whom are ethnic Chams rather than Khmer, have been encouraged by the Heng Samrin regime to renew their religious community, and Muslims have spoken out in public in support of the Heng Samrin regime and against the excesses of the former Khmer Rouge regime.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Heng Samrin regime tries to control tightly all travel within the areas under its control. A system of neighborhood surveillance, modeled after the Vietnamese system, was introduced in 1981. A system requiring family registration and identification books was begun in 1980, and in 1983 the registration effort was placed under the police in each local administrative unit. Complex regulations govern movement of families and individuals within Cambodia. Passes are required for internal movement between villages. Checkpoints are ubiquitous, and bribes as well as passes are required to pass them, although checkpoints can often be dodged by avoiding roads. Only a few top Heng Samrin regime officials travel abroad. Other Khmer seeking to leave the country flee to the Thai border in order to enter U.N.-supported refugee camps in Thailand. The Heng Samrin regime routinely imprisons those caught attempting to flee to the border as well as those believed to be returning from border encampments affiliated with the CGDK. The Heng Samrin regime has agreed in principle to accept returning displaced persons from camps in Thailand, but has taken only one elderly woman so far because it has put off reaching an agreement with the United Nations High Commissioner for Refugees (UNHCR) on the mechanics of repatriation. Most of the Khmer allowed refugee status in Thailand have been approved for resettlement and departed for Western countries. Over 20,000 Khmer approved for refugee status remain at the Khao-i-Dang holding center in Thailand. Another 247,000 Khmer who have not been accorded refugee status in Thailand remain as displaced persons in camps on Thai territory near the border.

The Khmer Rouge also tightly control movement within their zone and attempt to prevent the non-Communists from operating in or crossing what they consider their "liberated areas" in Cambodia. In one instance in 1984, a group of approximately 500 Khmer escaped from Khmer Rouge control and joined a non-Communist group. Several smaller groups of Khmer Rouge escaped to the non-Communists in 1985 and 1986.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Khmer people do not enjoy the fundamental right of

self-determination. The KPRP, a Party which acknowledges a serious shortage of members, controls political life in areas controlled by the Heng Samrin regime. Major policies are approved by Vietnam, and many day-to-day administrative decisions, especially in internal security matters, are made unilaterally by Vietnamese officials. Both Hanoi and Phnom Penh have rejected any change in the system imposed following the Vietnamese invasion, calling the situation "irreversible."

Political aspirants in Heng Samrin areas must study the current political dogma, which centers on acceptance of the Vietnamese explanation for Hanoi's dominant position in Cambodia. Middle- and high-level Heng Samrin officials must attend political indoctrination courses taught by Vietnamese at political schools in Phnom Penh and in Vietnam. Relatively few Heng Samrin officials are considered reliable by the Vietnamese. Highest positions of trust are given to Khmer loyal to Hanoi prior to 1975 followed by pre-1978 defectors from the Khmer Rouge, other former Khmer Rouge cadre, non-political "intellectuals" (including many pre-1975 school teachers), and low-ranking officials of pre-1975 governments, in that order. While attempting to build an indigenous Communist Party and government structure in Cambodia, Vietnam itself maintains complete control. Elections in Heng Samrin areas do not allow genuine political participation, but rather are staged by the regime to attempt to demonstrate legitimacy, and to underscore the relative status of leaders by varying reported percentages of the "vote." Reports suggest that in the 1981 national elections, percentages were manipulated and some victors were named regardless of the number of votes they received. Vietnamese district level advisors were reliably reported to have picked candidates for lower level elections. Although National Assembly members are supposed to serve terms of 4 years, and the second round of elections should have been held in 1986, none were held and none are scheduled.

The Khmer Rouge Communist Party of Kampuchea was formally dissolved in December 1981, but it continues to exist in areas controlled by the Khmer Rouge. In fact, the party, in which power is concentrated in the hands of fewer than 10 people, controls all political, economic, and military life in those areas. No opposition is possible. Although Pol Pot purportedly "retired" in 1985, and assumed an advisory position on national security, defectors from the Khmer Rouge report that power continues to be held by the pre-1979 leadership.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Human Rights violations in Cambodia have been the subject of intense international attention since 1978, when the United Nations Human Rights Commission and its Subcommission on the Prevention of Discrimination and Protection of Minorities began investigating the problem. In March 1986, the Commission adopted the latest in a series of resolutions on Cambodia. This recognized the continued effectiveness of the CGDK with Prince Sihanouk as President, reiterated its "condemnation of persistent occurrence of gross and flagrant violations of human rights in Kampuchea," and reaffirmed "that the continuing illegal occupation of Kampuchea by foreign forces deprives the people of Kampuchea from exercise of their right to self-determination and constitutes the primary violation of human rights in Kampuchea at present."

CAMBODIA

Authorities in the areas controlled by the Heng Samrin and Khmer Rouge have not permitted investigation of charges of human rights violations. In late 1984, the Heng Samrin regime declined to permit the Lawyers Committee for Human Rights to visit areas it controls. The Lawyers Committee conducted another study in 1986 and its findings will be made public. The Heng Samrin regime and the Khmer Rouge areas have Red Cross organizations, but neither they nor any other groups in those areas have a role in the protection of human rights.

The non-Communist camps along the Thai-Cambodian border have a substantial daytime presence of voluntary and international organization staff who have intervened to secure better treatment of minorities, such as Vietnamese refugees among the Khmer. Representatives from the ICRC have conducted interviews with prisoners held in KPNLF stockades.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Directives issued by the Heng Samrin regime in 1982 seemed to accord a privileged status to Vietnamese immigrants vis-a-vis Khmer residents, and there have been reports of Vietnamese taking advantage of their privileged status to force Khmer out of desirable occupations or land. Khmer arriving on the border in 1986 reported that Vietnamese pressure and commercial taxes in the cities are continuing to drive out Khmer and Chinese merchants whose places are being taken by Vietnamese, who are able to avoid taxation. Regime Circular 351 issued in 1983 specified particular measures against ethnic Chinese who, according to the circular, are being used by enemies of the State "to engage in espionage, psychological warfare, economic warfare; and to spread turmoil in the market place." Chinese with "questionable family histories" are encouraged to report to authorities to "clear themselves." Reports from border travelers indicate that many Vietnamese have moved into Cambodia to join other returning residents who had been expelled during the Khmer Republic or Khmer Rouge periods. Most are traders or fishermen, but a large group of Vietnamese farmers have settled on rich marshland in Takeo Province.

CONDITIONS OF LABOR

There is no known minimum age for the employment of children. No attention appears to have been given by authorities to ensure acceptable conditions of work, and there is little information on this subject. Wage scales for the few industrial and government workers are set by the State and are universally regarded as insufficient, forcing employees to supplement their wages in some manner.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: KAMPUCHEA (CAMBODIA)

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	3.3	0.8	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	3.3	0.8	0.0
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	3.4
B.FOOD FOR PEACE.....	3.3	0.8	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	3.3	0.8	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	3.3	0.8	0.0
E.RELIEF.EC.DEV & WFP.	3.3	0.8	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	3.3	0.8	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	3.3	0.8	0.0
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-85
TOTAL.....	2.5	2.0	0.0	38.4
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	1.7
AFDB	0.0	0.0	0.0	0.0
UNDP	0.0	0.0	0.0	20.2
OTHER-UN	2.5	2.0	0.0	16.5
EEC	0.0	0.0	0.0	0.0

CHINA

The Chinese Communist Party (CCP) rules the People's Republic of China (PRC). A small group of leaders in several key organizations, including the Politburo and its five-member Standing Committee, the Military Commission, and the Secretariat share power within the party. Politburo Standing Committee member Deng Xiaoping is China's preeminent leader.

Since achieving power in 1949, the CCP has continued China's long tradition of autocratic rule. The CCP justifies its leading role by invoking both Marxist-Leninist ideology and Confucian social ethics. The legal system, abandoned during the Cultural Revolution, has been resurrected and is being strengthened. Although the party continues to place important restrictions on basic political rights and civil liberties such as freedom of speech, press, and association, some of these controls have loosened in recent years. The Government does not tolerate fundamental criticism of the CCP or the Socialist system. Student demonstrations during December, however, challenged these prohibitions.

China remains one of the world's poorer developing countries. As modernization of China's economy has progressed in the post-Mao period, the leadership has repudiated more and more aspects of the Soviet economic model, the basis on which it originally structured China's Socialist economy. Without changing the fundamental Socialist orientation of the economy or of the Government, individual and small collective enterprises have been allowed more leeway to operate, and many small state-owned enterprises and stores have been contracted out to individuals to manage. In addition, the rural commune system has been eliminated, and peasants now farm land leased from the Government under individually held contracts.

The human rights situation in China improved slightly in 1986, with some limited progress toward realization of the 1982 Constitution's formal guarantees of individual rights, and movement toward dispersal of political power within the Government, which remains subordinate to the party. Although not relinquishing its decisionmaking power, the party has made a gesture towards broader participation in the political process by reinvigoration of the National People's Congress (NPC) and the Chinese People's Political Consultative Conference, as well as by holding multiple-candidate elections to local representative bodies and lower-level congresses.

The concept of the rule of law has a short history in China, and many Chinese are unfamiliar with, or unaccustomed to, its operation. During 1986 the Government launched a 5-year program of universal legal education. High-level officials and party cadres attended special classes to study law. Training programs for persons engaged in legal work continued, and programs to popularize knowledge of laws began to operate.

The Government carries on an extensive family planning program under provisions in the Constitution, the marriage law, and various administrative and party rules at national, provincial, and local levels. Implementation has varied widely from place to place--strict in the cities, more relaxed in the countryside where the bulk of the population lives, and loose in sparsely-populated minority and border areas. Although official Chinese policy prohibits coercive family planning, there have been numerous reliable reports in past years of coercive birth control practices at local levels, including forced abortions and sterilizations. Another

apparent result of the Government's effort to limit the country's birthrate has been the resort by some people in rural China who desire a male child to the traditional practice of female infanticide. Recent information, however, indicates that the number of such cases--always thought to be small--has declined.

The trend toward greater toleration of religious activities has continued in 1986. The number of churches, temples, and mosques conducting religious services has expanded, as has the availability of religious training. Authorities, however, do suppress cults and other unofficial institutions as well as prohibit ties to foreign organizations.

The leadership's policy of opening up to the outside world has become an integral part of China's evolution towards a less tightly controlled society. The October 1986 Sixth Party Plenum confirmed this by declaring it "basic, unalterable state policy." The Government has made the promotion of foreign trade and investment a fundamental part of its modernization drive. Travel and emigration controls have been loosened significantly in the recent past. Tens of thousands of Chinese go abroad every year to study, conduct business, or visit relatives, while millions of overseas Chinese and hundreds of thousands of other foreigners travel to China. The party continues to seek to block unwelcome foreign influences, e.g. rock music and drugs, and party functionaries continue to monitor contacts with foreigners.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

No known government-sanctioned politically motivated killings occurred, although some deaths resulted from unsanctioned actions by local officials. A crime suppression campaign launched in the fall of 1983 continued in 1986, but less intensively. During this anticrime campaign, the death penalty has been applied frequently, often without the opportunity to exercise the constitutional right of appeal to higher courts. Sources estimate that between 7,000 and 14,000 persons were executed in 1983-86, among whom those known to have been charged with political crimes were only a small percentage.

b. Disappearance

There were no reports of persons being abducted or disappearing at the hands of the security services.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

China's code of criminal procedure specifically prohibits the use of torture. However, according to official statistics, of 949 persons illegally detained during the first half of 1986, 140 died or were injured, and torture reportedly was used in some cases. The willingness of central authorities to allow public discussion of such cases and take action against the perpetrators is new and significant. In December China signed the 1984 United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment.

To indoctrinate the public and deter crime, the authorities sometimes subject persons convicted of serious crimes to public denunciation and humiliation at "mass sentencing rallies." At these rallies, often attended by thousands of people (including the families and neighbors of the convicted persons), the accused are denounced and their sentences revealed to the crowd. Policemen force prisoners to keep their heads bowed as a mark of contrition. Such "mass sentencing rallies" occurred in many places in 1986, with those sentenced to death often being transported to public execution grounds afterward.

d. Arbitrary Arrest, Detention, or Exile

Although Chinese law details a series of procedures to be observed in the handling of suspects, including use of arrest warrants and time limits for detention during investigation and trial, these safeguards frequently are ignored in practice. The illegal detentions referred to in Section 1.c. above fell into three categories: those held by local cadres (officials), those carried out by police, and those carried out by persons involved in civil or economic disputes. Officials maintain that these cases increased 96.5 percent over the previous half-year period, but it seems more likely that the incidence has changed less than the willingness of victims to report violations and of the regime to admit that abuses occur and to punish the culprits. No provision exists for preventive detention. Other guarantees in the law include the right to counsel; however, a defense attorney normally does not enter a case until after the police and procurator have finished their investigation and the defendant has been formally charged.

In July 1984, the NPC Standing Committee approved amendments extending the period of detention during investigation from 2 to 4 months and the time limit for trials from 1 1/2 to 2 1/2 months. In principle, these changes applied only to "serious" cases and required that extensions be approved by provincial procuratorates or courts. The NPC's action represented a probable reduction in the time limits earlier specified by the provinces. In practice, criminal cases in urban areas generally are processed well within the time limits. In remote areas there are provisions to extend time limits if necessary due to poor communications. The new regulations also authorized the use of bail for accused persons not considered "dangerous," but there have been no reports about its implementation, notwithstanding claims in the Chinese press that these amendments would "promote human rights."

Sentencing to prison or labor reform usually entails participation in compulsory labor. Prison and labor reform camps are expected to be partially self-supporting if not operating at a profit.

Under "labor education" provisions, those who commit "minor theft or fraud" or who have been expelled from their work units may be deprived of their civil liberties and subjected to "education through labor" for up to 4 years without trial. This nonjudicial sentencing procedure has been used frequently against political dissidents. Judgments are handed down by a public security office in consultation with representatives of local civil affairs units. The authorities made extensive use of this provision during the initial phases of the crime suppression campaign in 1983. In 1985 they continued to transfer more serious offenders (sentenced to "reform through

labor") from prisons in coastal areas to labor camps in remote areas of Xinjiang and Qinghai. Even after they complete their sentences, most of these prisoners will be denied permission to return to their homes in east China. In what amounts to a form of internal exile, they will be assigned jobs and become permanent residents of these underpopulated regions.

No reliable figures exist for the number of political prisoners in China. Insufficient data makes an accurate estimate impossible. The Government denies that it has any political prisoners and insists that it imprisons only criminals and "counterrevolutionaries." The latter group includes some who had no clear political motive in breaking the law, but whose offenses (such as jailbreak or attacks on public buildings) the authorities nonetheless classified as "counterrevolutionary." Counterrevolutionary offenses are said to constitute about 1 to 3 percent of the number of criminal offenses. Overall, the number of such prisoners has dropped since the late 1970's, through natural attrition and with the "reversal of verdicts" (often initiated through political channels) of hundreds of thousands of persons sentenced as "counterrevolutionaries" during the Cultural Revolution. In 1986 cases of individuals accused of being counterrevolutionaries or having committed crimes of a political nature before the Cultural Revolution were being reviewed. Officials indicate that this reevaluation will be completed before the fall of 1987. There are as yet no public statistics on the progress of this inquiry, but many cases of reversals have been publicized.

The total inmate population in labor camps and prisons may have increased since the beginning of the anticrime campaign, as tens of thousands of common criminals and persons considered socially undesirable have been processed through the courts. Partial figures which have become available suggest a total prison/labor camp population in the range of 2 million to 5 million, although an estimate at the low end of the scale seems more plausible.

e. Denial of Fair Public Trial

China's judiciary is nominally independent but in practice follows party policy. There are presently no standing special political or security courts.

Most Chinese trials are essentially sentencing hearings where defense representatives plead clemency for their clients and, with few exceptions, do not contest their guilt. The trials are preceded by extensive pretrial investigation carried out by the Public Security Bureau and/or the Procurator. Courts assume the guilt of any person brought to trial. There have been instances, however, where accused persons have successfully defended their innocence and been released. Defendants in criminal cases may appeal both verdicts and sentences to the next higher court. Appeals have resulted in both stiffer and reduced sentences for the accused.

The criminal procedure code requires that all trials be held in public, except those involving state secrets, juveniles, and "personal secrets." In practice, attendance at public trials requires an admission ticket obtained from organizations selected by the authorities.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Extensive regulation of individual and family life constitutes one of the distinctive features of the Chinese sociopolitical system. For most Chinese (particularly the 20 percent of the population who are urban residents), life revolves around the work unit, which provides not only employment, but also housing, ration coupons, permission to marry and have a child, and other aspects of ordinary life. The unit, along with personnel in "neighborhood committees," monitors a person's attitude and behavior and may report suspicious activity to the authorities. The unit acts as the party's enforcer at the local level, but its considerable autonomy may also be used to ignore or obstruct directives from the top. Recent economic reforms and a central policy of relaxing social controls have weakened the unit's interference in many aspects of daily life, however. In rural areas, where political control has always been more lax, the shift to family farming from collective farming, for example, has markedly decreased opportunities for arbitrary interference by local officials.

China's leaders have made family planning a top national priority. They believe that economic modernization goals will be unattainable without a low birthrate, particularly given the current unusually high number of females of childbearing age, traditionally high Chinese birthrates, and recent medical advances leading to longer life expectancies. To achieve its goal of limiting China's population to 1.2 billion in the year 2000, the Government discourages early marriage and promotes as an ideal a norm of one child per family. A massive, grassroots effort involving education, contraceptive counseling, free contraceptive devices, and economic and social incentives and disincentives supports this policy.

The authorities have instituted various controls on marriage and childbearing. The minimum age for marriage is 22 for men and 20 for women, high by world standards but lower than previous CCP requirements. Each province sets guidelines (based on central government guidelines) for the desired number of children to be born during the year. Increasingly, grounds for waiving the one child rule have been expanded by provincial authorities, ranging from the birth of a handicapped baby and employment in particularly hazardous or undesirable occupations to the birth of a girl on the first try in some rural areas. In border regions and minority areas, where population densities are low, governmental control weak, and traditional attitudes strong, population growth guidelines are looser, allowing a second and sometimes third child per family. In some minority areas, such as Xinjiang, there have been no population planning restraints at all on minority populations, although Xinjiang is now in the "propaganda and investigation" stage of implementing a family planning policy for minorities. In Han Chinese areas, particularly urban locations, central guidelines generally have been adhered to more assiduously. Couples who sign a pledge to have only one child get a number of incentives: free health care for the child, a 5 percent increase in their pensions, priority in housing, schooling, and medical treatment, and a monthly bonus of about US$2. Couples who insist on having a second child reportedly have the right to do so in most cases. However, in addition to losing their monthly bonus, they may be required to repay any money already received and, in some instances, give up or return other benefits as well. The rise in rural incomes accompanying

economic reforms has reduced peasant responsiveness to economic sanctions. Moreover, employment in small collective or individual enterprises has weakened further the ability of agencies to enforce regulations. Local and central officials state that no permission is necessary for the first child.

Although contrary to announced central government policy, in previous years significant numbers of those becoming pregnant without permission were coerced by local officials into having abortions, sometimes even in the later stages of pregnancy. Central government authorities have clarified that after the sixth month of pregnancy abortions should not be performed, unless the health of the mother is endangered. Reported instances of family planning malpractice occur for the most part in less developed rural areas, where local officials have translated central guidelines into rigid quotas. Chinese authorities say they take measures against local officials who violate the Government's policy in this regard, but there have been few reports of punishment of such offenders. Central government guidelines for local family planning personnel have not been made public, nor have the limits, if any, on their authority. Chinese family planning officials have reiterated that the Chinese Government does not condone forced abortions or sterilizations, but admit that coercion, even though counter to official policy, does occur in some instances. In 1986 high-level Chinese officials spoke out publicly against coercive practices and abuses in population control work, and it seems that the incidence of such cases has lessened. Chinese officials have stated that abortion ends 25-33 percent of pregnancies.

According to a report in the September 12, 1986 China Legal News (Zhongguo Fazhi Bao), the Women's Association of Western Chongqing said that in 1984, 2,800 cases there involved either the drowning of baby girls or the mistreatment of women who gave birth to girls. Although the Association did not distinguish between the two categories, it is believed the great majority of incidents consisted of the latter type of abuse. Infanticide is illegal, and the press has published cases of persons punished for this crime.

Contacts between Chinese and foreigners have increased considerably in recent years. Whereas Chinese citizens whose work did not require or permit contact with foreigners have in the past been warned or detained and questioned if they persisted in meeting foreign acquaintances, such instances appear to be rare today. Chinese seem anxious to strike up conversations with foreigners and often volunteer unorthodox political views. "English corners," where Chinese and foreigners can meet to talk in English, attract large numbers of people. The authorities in principle permit marriages between foreigners and Chinese but specifically prohibit Chinese citizens involved in confidential and other "important" work (such as diplomats and military personnel), as well as those serving prison sentences, from marrying foreigners. In practice, romantic liaisons between Chinese citizens and foreigners are less strongly discouraged than in the recent past, and cadres are not supposed to interfere if the parties seem sincere.

The criminal procedure code requires the use of search warrants for gathering evidence, and they have been presented in cases involving foreigners. No reliable information exists on the extent to which this proviso is carried out in practice. According to the Criminal Procedure Law, if an

emergency situation should develop when carrying out arrest or detention, security authorities have the right to enter and search living premises without warrants or notification. Several years ago, reports suggested the use of electronic eavesdropping equipment to monitor suspected political dissidents. In December the NPC passed China's first postal service law guaranteeing privacy in written communication and prohibiting tampering with mail except as permitted by law.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution guarantees freedom of speech and of the press, authorities do not permit open criticism of the CCP or Chinese socialism. Party General Secretary Hu Yaobang restated the party's policy of carefully controlling the print and broadcast media in a 1985 speech, when he maintained that "journalism work is the party's mouthpiece." Balancing this, a 1986 speech by Party Propaganda Director Zhu Houze encouraged papers to print the news as they saw it, to become more lively, and to reflect divergent attitudes. Editorials and commentaries calling for greater public debate appear frequently in the press and have been endorsed by top party leaders. Degrees of control vary from absolute, in the case of party organs such as the People's Daily, to looser for publications dealing with nonpolitical topics. In general, restrictions on freedom of speech and of the press have relaxed considerably in recent years, particularly since the Fourth National Writers' Conference of December 1984.

One sign of the increased relaxation in the political environment has been the appearance in the press of articles by prominent theorists denounced during the 1983 spiritual pollution campaign. In mid-1986 an effort to revive the 1957 slogan, "Let a hundred flowers bloom, let a hundred schools of thought contend" began. This slogan provides ideological underpinning for limited expression of differing opinions, while also serving to remind intellectuals of the pitfalls of taking criticisms beyond permissible bounds.

The Government appointed a new Minister of Culture in 1986 known for his outspoken views in defense of diversity. He quickly and publicly defended the new line. Nonetheless, the limits remain clear, and intellectuals are still concerned about the possible tightening up of restrictions. Officials canceled a planned art exhibition organized by veterans of the 1979 Democracy Wall Movement as going beyond current bounds. The Government also closed one play prematurely despite its evident popularity.

As part of this liberalization policy, the leadership has permitted greater, albeit still limited, access to various aspects of foreign culture. Foreign books and artistic works are still screened by authorities but more are available now than in past years. Foreign films are shown more frequently, and visits by foreign artistic groups are more common. Selected subscribers in universities and other institutions receive foreign periodicals. Tens of millions of Chinese read The Reference News, an officially published selection of largely uncensored translations from the foreign press. Coverage of foreign news in the open media has become more extensive and professional. Chinese listen freely to foreign broadcasts, and many universities use the Voice of America (VOA) and other foreign radio broadcasts in their language

courses. In its weekly programing, Chinese television includes some programs from Western and other countries. Audiences in some major cities enjoy Chinese-language renditions of classical and contemporary Western plays.

b. Freedom of Peaceful Assembly and Association

The Constitution guarantees freedom of peaceful assembly and association; in practice, however, the authorities circumscribe these rights. China has a wide variety and increasing number of professional and other associations, such as the All-China Youth Federation, the All-China Women's Federation, the Chinese Writers' Association, and the All-China Sports Federation. These groups operate under party control. The authorities suppress or coopt groups which attempt to function independently.

China's trade unions are closely controlled by the CCP. The All-China Federation of Trade Unions (ACFTU) acts as the umbrella organization with which all trade unions must affiliate. With over 80 million members, the ACFTU enrolls about two-thirds of the urban work force. The Federation's prime function is to serve the State's interest by promoting labor discipline, enhancing labor productivity, conducting political and ideological indoctrination, and improving workers' educational and technical skills. Unions also perform a variety of social and welfare functions such as handling pensions and disability benefits, and operating clubs, eating facilities, nurseries, schools, and sanatoriums. Their duties also include the promotion of workers' safety. Although government officials may consult trade union leaders on wage policy, unions have no power to engage in collective bargaining.

Chinese workers are not guaranteed the right to strike. Included in the 1978 State Constitution, this right was omitted in the 1982 revision as well as in the 1983 trade union constitution. However, a trade union spokesman said in 1983 that this omission did not necessarily mean that strikes were illegal. He then described a narrow range of circumstances (e.g., risks to workers' safety) where strikes might be permitted for a brief time. There are no known instances of strikes on these issues, although there has been at least one instance of a strike over opposition to wage reform by workers protesting linking wages to productivity. Safety conditions in many industries are believed to be substandard, but statistics are not made public.

In the last several years, the ACFTU has moved actively to expand its international ties. Claiming to have contacts with trade unions in over 120 countries or regions, the federation has stated its desire to establish links with foreign unions regardless of their affiliation with the International Confederation of Free Trade Unions, the Soviet-dominated World Federation of Trade Unions, or other organizations. The ACFTU conducts its busiest bilateral program with the Japanese labor federations, Domei and Sohyo. Since China joined the International Labor Organization (ILO) in 1983, an ACFTU official has served as China's workers' delegate to that body. This representative was elected to an alternate seat on the ILO governing body in 1984. The ILO opened a regional office in Beijing in January 1985.

Since 1981, workers' congresses have been established in most of China's large and medium-sized enterprises. Created in

principle to permit workers a role in enterprise management and selection of plant officials, the congresses have to date been largely limited to social welfare issues. The October 1984 Party Plenum's decision on economic reform, although calling for "centralized and unilateral leadership" of enterprises and "strict labor discipline," also says that worker participation in management must be ensured, a presumed reference to the workers' congresses.

c. Freedom of Religion

Reversing Cultural Revolution-era attempts to eliminate all religious practice, China s reformist leadership in 1978 initiated a policy of limited religious toleration. The Constitution guarantees freedom of religious belief and specifies that no organization or person may compel citizens to believe or disbelieve in religion or discriminate against them because of religious preference. The Constitution also provides that religious bodies must not be subject to foreign domination--a provision affecting primarily the Catholic Church. Aside from these provisions, official policy forbids religious proselytizing other than at places of worship or believers' homes. Earlier, unpublished regulations reportedly also limited religious freedom to those over the age of 18, but church associations deny this.

The authorities have required all religious bodies to affiliate with eight national organizations representing four religions--Christianity, Buddhism, Islam, and Daoism. Of the five Christian associations, two are Protestant (the Protestant Three Self Movement and the China Christian Council), and three are Catholic (the Patriotic Catholic Association, the National Administrative Council of the Catholic Church, and the Catholic Bishops College). Together, these associations--with different functional responsibilities but overlapping leaderships--constitute the officially sanctioned national Protestant and Catholic Churches. Although the Government required all Protestant denominations to merge in the 1950's, congregations and individuals may follow preferences on such matters as forms of baptism. Since its separation from Rome 30 years ago, the Chinese Catholic Church has developed an independent theology and doctrines; for example, it rejects papal infallibility and supremacy, continues to conduct services in Latin, and supports the State's policy on birth control, provided church-approved methods are used. These five Christian associations and three organizations representing the other religions link religious bodies to the State and party.

Within the limits of official policy, religious activities have expanded considerably in the last few years and appear to have been noticeably strengthened in the last 12 months. Many religious institutions which closed during the Cultural Revolution have reopened. In 1986 officials said there were over 30,000 churches, temples, monasteries, and mosques in service in the country. Many Buddhist and Daoist temples have reopened, often after being refurbished at government expense. In Tibet, nearly 500 lamaistic monasteries have been restored, many with government funds--still just a fraction of the 2,700 monasteries open before the Chinese suppression of the 1959 Tibetan uprising. Similarly, only a small number of monks have returned to monastic life in Tibet, although more are being trained at a government-funded institute in Lhasa.

CHINA

Since 1981 the authorities have permitted the establishment of seminaries to train a limited number of young people in religious orders. The Catholic Church has 10 seminaries in operation. The Protestant Church, apart from its national seminary in Nanjing, operates nine other theological institutes, the newest in Shanghai. The Islamic Association runs nine institutes throughout China to train imams and Islamic scholars. The Buddhist Association has institutes in Beijing, Suzhou, and Nanjing, as well as Lhasa. The religious associations sponsor a variety of publications for believers, including scriptures, teaching material, theological journals, and hymnbooks. Since 1980 for example, the Protestant China Christian Council has printed and distributed over 1.3 million Bibles. Aside from appropriating funds for extensive renovation of temples, the Government provides other forms of direct and indirect financial support for religious bodies (e.g., tax exemptions for their rental income and cash subsidies to Muslims for observance of dietary law).

The number of Christians has increased since 1978, with estimates of the total ranging from the official figure of 6 million to a more likely 10 million to 20 million. This increase in believers has resulted in a severe shortage of places of worship, given the continued occupation of many pre-Cultural Revolution churches and temples by factories, the military, and other units. As a result, many congregations are forced to meet in believers' homes. Officials say there are 15 million actively practicing Muslims and that practitioners of Buddhism and Daoism run into the millions (actual numbers probably more closely total tens of millions). A pressing shortage of priests, ministers, monks, and imams exists because the older generation of religious leaders is dying off, and the number of recent graduates of religious training institutions remains inadequate.

Despite the greater freedom of recent years, the authorities still react harshly to unsanctioned religious activity. Some Christians prefer to worship outside the officially recognized "patriotic" church system and to meet in unsanctioned "house churches." The public security authorities have in the past harassed these underground churches with measures including arrests in an attempt to force worshipers into an official church. In September 1986, the Western press carried reports that Public Security authorities had raided an unofficial Catholic seminary near Shijiazhuang in Hebei province on May 29, and had taken over 40 Catholics into custody, some of whom were later released. Four Catholic seminarians were reported to have been arrested in the same area in June. In 1983 the NPC Standing Committee authorized the death penalty for those organizing secret sects which spread "feudal and superstitious ideas." This provision appears aimed at traditional animist and cult practices or plain criminal activity rather than at mainstream religious activities.

Because of concern over divided loyalties, the authorities carefully monitor and control contacts between Chinese and foreign religious organizations. At the same time, they encourage Chinese religious leaders to meet foreign counterparts and take part in international meetings. Such international religious contacts have been broadened considerably during 1986, including visits to China by the United States-based Appeal of Conscience Foundation, Hong Kong's Roman Catholic Bishop John Baptist Wu, and South African Bishop Desmond Tutu, who delivered a sermon in a Shanghai church. A delegation of Chinese Catholic leaders

from Beijing, Shanghai, and Wuhan also traveled to the United States at the invitation of the Association of Catholic Colleges and Universities during the autumn of 1986.

To gain support from important minority groups and create goodwill with Islamic nations, China in 1979 resumed giving permission to Muslim citizens to make the hajj. Over 2,200 Chinese made the pilgrimage to Mecca in 1986, up slightly from the 1985 figure of 2,100. There are some indications that Chinese religious organizations may again be permitted to receive funds or gifts from foreign religious organizations --if no strings are perceived to be attached.

On the other hand, the Government insists that the country's religious bodies must be independent of foreign control and warns against foreign attempts to interfere in Chinese religious affairs. The Government prohibits missionaries from practicing among Chinese citizens but has allowed some foreign clergymen to enter for brief periods to serve the resident foreign community. Foreigners with acknowledged ties to overseas religious institutions are permitted to work in China, often as English teachers, provided that they do not engage in open proselytizing. To date the Government seems to have overlooked minor infractions of this injunction.

The authorities' concerns with alleged foreign interference are particularly directed at the Vatican, in part due to the Vatican's continued diplomatic ties with Taiwan. Chinese priests who publicly maintain their loyalty to the Pope are subject to arrest and imprisonment.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Various formal and informal restrictions govern travel within China. Chinese citizens must have a written letter of introduction from their work unit to buy airplane tickets, secure hotel accommodations, or acquire ration coupons for purchase of basic food items in areas outside their places of residence. Those traveling by rail who plan to stay with relatives need not obtain letters of introduction but are still legally required to register with local police during their visits. In practice, however, many Chinese do not comply. With their higher income levels (particularly in the countryside), Chinese are traveling ever more frequently within the country, often ignoring bureaucratic requirements without much difficulty. For instance, availability of grain and other food in free market channels, combined with larger monetary incomes, means that lack of ration coupons no longer presents an effective barrier to travel. This increased mobility prompted the authorities to announce in April 1985 the adoption of the country's first nationwide identity card system. This plan went into effect on September 6, 1985 under the auspices of the NPC Standing Committee. Local committees are working out details for eventual implementation.

Chinese citizens cannot freely change their locality of residence or workplace. They are registered as residents of a particular jurisdiction. The authorities normally grant permission to move to another locality only for a change in employment. Rigid personnel policies, most notably the unwillingness of units to sanction an employee's transfer, make it difficult to change jobs. For newly employed ordinary workers in state enterprises, this situation changed with the introduction of a labor contract system as of October 1, 1986.

The contracts generally will run for 3 to 5 years, after which both parties may decide whether to renew. This will not immediately affect workers employed before October 1, who will continue to "enjoy" lifetime employment, without a stipulated right to leave to seek other work. The authorities have called for and have taken some steps towards reform of the personnel system, aiming at greater mobility among scientists, technicians, and certain other professionals. As part of efforts to develop commerce and industry in rural areas, the State Council issued a circular in October 1984 which authorized peasants to establish businesses in rural towns. Significant numbers of farmers are moving into small and medium-sized cities. Strict policies discouraging rural migration to large cities continue. It is also difficult for urban residents to move to other cities for personal reasons. Nevertheless, large numbers of unregistered people reside in China's biggest cities, for example an estimated 1,000,000 in Shanghai and 700,000 in Beijing.

With the relaxation of controls on foreign travel and emigration since the late 1970's, tens of thousands of Chinese now go overseas every year to study, conduct business, or visit relatives. In November 1985, the Standing Committee of the NPC passed the "citizens exit and entry control law," which went into effect February 1, 1986. The law states: "A Chinese citizen may leave or enter the territory without visa processing by showing a valid passport, or other valid certificates." With some exceptions, "all applications for exit on account of personal affairs...will be approved." The law denies exit to four categories of people--those involved in unsettled criminal or civil cases, those serving sentences, those placed under "education through labor," or those whose exit may harm China's national security or interests. It is not yet clear how liberally this law is being applied. China relaxed restrictions on internal travel by foreigners in February 1985 by more than doubling the number of areas (cities and counties) open to foreign visitors without special permission. At present 436 cities or counties are open to visitors. Nevertheless, large portions of China remain officially closed.

China does not revoke the citizenship of political dissidents and is not known to have exiled any dissidents. The authorities have welcomed the return for permanent residence of Chinese who had fled their homeland earlier in fear of Communist rule; such persons are also welcomed back for brief visits. In 1985, 17,830,000 tourists visited China, the vast majority of them residents of Hong Kong and Macao and overseas Chinese, including some political opponents and former refugees. The number of foreign visitors not of Chinese ancestry also has increased dramatically in recent years. More than 270,000 refugees and displaced persons from Vietnam and Laos have resettled in China since 1978. The number of new arrivals has dropped to around 100 per month. The authorities have also resettled over 2,000 ethnic Chinese permanent residents of the Mongolian People's Republic since 1983, after that country's government expelled them.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The CCP remains the paramount source of political authority and decisionmaking in the country. Within the party, a group of top leaders in several key organizations, including the Politburo and its five-member Standing Committee, the Military

Commission, and the Secretariat shares power. Under the doctrine of "democratic centralism," leaders at the top, after consultation within the party, make policy decisions which all party members are expected to support. Political debate and disagreement usually take place only before a decision is made; once announced, all party members are expected to follow the party line. Nevertheless there are means by which party members and others can debate established policies. These include the presentation of alternate points of view or criticism in the party-controlled press, the use of academic journals to present differing interpretations of supposedly theoretical matters, selective enforcement of policies, exploitation of policy ambiguities, manipulation of news coverage, and informal and unpublicized debate at party and government meetings. In 1986, however, Chinese economists and political theoreticians openly debated in academic journals and national newspapers a key national issue--the limits of economic reform. The October 1986 Sixth Party Plenum reiterated the call to "let a hundred flowers bloom, a hundred schools of thought contend", and following the Plenum officials called for publication of differing views on academic and theoretical matters. Top leaders have called for wider input and "greater democracy" in policy decisionmaking. Further experimentation with changes in political forms is being discussed under the rubric "political structural reform." Nevertheless, parties or groups opposing the CCP are forbidden.

Early December 1986 student demonstrations in several Chinese cities including Beijing, Shanghai, Nanjing, and Tianjin called for greater democracy, including more participation in local elections, multicandidate slates, and open discussion of political development through wall posters and in the media. The Government responded to this outpouring of upwards of 50,000 students with restraint, combining firmness with flexibility. Authorities avoided repressive policies and by the end of the year had arrested only a few, nonstudent activists.

Over the past 5 years, the CCP has promoted a modest rejuvenation of eight "democratic" parties (formed before 1949) as agents of its "united front" policy. Admittedly subservient to the CCP, the parties function as channels through which the authorities seek to mobilize support among various constituencies the parties claim to represent: intellectuals, former industrialists, returned overseas Chinese, former Kuomintang (Nationalist Party, the dominant party of Taiwan) military and civilian officials, and Taiwanese living on the mainland. As part of its efforts to give more visibility to these parties, the CCP increased their representation in the NPC and at the Chinese People's Political Consultative Conference in 1983, and they have been allowed to reestablish party newspapers (generally for members only) and to recruit new adherents. Although the CCP periodically consults with the representatives of these minor parties on important issues, the parties, whose memberships total about 200,000, and whose leaders are aged, have little impact on fundamental national policy issues.

The NPC meets once a year for about 2 weeks to debate and approve government policies and personnel changes. The NPC rarely rejects proposed government policies, although some have been modified as a result of delegates' concerns expressed behind the scenes. More important than the NPC as a whole is its Standing Committee, which meets several times a

year and has the power to approve laws. In 1986 the Standing Committee twice declined to pass a draft bankruptcy law proposed by the State Council, despite amendments and a last-minute plea by supporters for its adoption. This refusal to act occasioned unusual--though brief--press mention of the names of persons on each side of the debate. The law, in modified form, eventually passed toward the end of the year.

Women have scored few breakthroughs in the male-dominated political establishment. At present, none of the 20 full members of the Politburo is female (although an alternate member is female), while just 3 women serve among the 45 ministers and commission directors in the Government. About 20 percent of NPC delegates are female. At present one woman serves as a provincial governor and one as a provincial party secretary.

Minority ethnic groups--which account for 6.7 percent of the population and are concentrated in border areas like Xinjiang, Tibet, Guangxi, Yunnan, and Inner Mongolia--are permitted a limited degree of autonomy. At its 1984 plenary session, the NPC adopted a national minorities law, essentially a compilation of post-Cultural Revolution policies and practices with few new departures. Like the Constitution, the new law provides that government heads of autonomous regions, prefectures, or counties should be members of the locally prevalent minority. Although vague on the extent of political autonomy for minority areas, the law clearly sets forth their rights to enjoy and develop their own cultural traditions, use their own language, and practice their own religion. CCP policy is designed to increase minority representation in the Government and party in minority areas to levels reflecting the minority's share of the population, and to assign senior positions to minority persons. However, many key positions in the autonomous regions continue to be held by Han Chinese.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no known organizations within China which monitor or comment on human rights conditions. The Chinese regard their human rights record as an internal matter and generally see no justification for foreign concern about it. China does, however, participate in the United Nations Human Rights Commission. In the past Chinese authorities have not responded even to factual questions on particular cases. In October 1986, however, officials did provide information in answer to a U.S. Embassy inquiry regarding a number of imprisoned priests and others thought to be "political prisoners." Chinese officials have been more willing to meet with U.S. Government officials and members of professional groups to discuss birth control policies, have provided increasing amounts of statistical data, and have facilitated visits to localities.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution endorses the principle that all citizens are equal. In the socioeconomic realm as in politics, however, women lag behind men despite progress in recent years. Female participation in the labor force has increased rapidly in recent years, reaching 36.4 percent of urban workers in 1984. Yet, women are concentrated in sectors such as light industry,

where wage rates are lower. Despite increased educational opportunities, the proportion of females in school drops from 43 percent in primary grades to 26.2 percent of all students in universities; 70 percent of illiterates are women. Notwithstanding stiff punishment and official discouragement, prostitution, selling of women, and other traditional practices, such as arranged marriages, concubinage, and heavy dowries, continue to be reported from time to time.

Minorities have benefited from the party's more liberal programs for them, which include special treatment in marriage and family planning, employment, and university admission. Nonetheless, the standard of living of minorities--many of whom live in poor, remote areas--remains below that of most Han Chinese. Some minorities complain of discrimination by the Han majority and the Government. Uygur students demonstrated on minority issues in Urumqi, Beijing, and Shanghai in December 1985.

A February 1984 forum convened by the Secretariat set out the leadership's liberalization of political, economic, and social policies towards Tibet. Numerous subsequent speeches by party leaders have reiterated the theme. One result has been the rehabilitation of many members of former Tibetan aristocratic families, whose property is being restored and who are given figurehead positions in the Tibetan regional government. Three representatives of the Dalai Lama traveled to Beijing during October and November 1984 to discuss a possible visit by the exiled spiritual leader. At the conclusion of their talks, the representatives issued a statement ruling out a 1985 trip by the Dalai Lama to Tibet, but leaving open the possibility of one to other parts of China, including areas where ethnic Tibetans live. To date the Dalai Lama has not returned to China but, due to relaxed Chinese travel restrictions, in the past 2 years thousands of Tibetans have been able to travel to India to see him there.

Social and other discrimination against former opponents of the CCP, intellectual critics of party leadership, former capitalists, and the children of members of these groups has been significantly curtailed in recent years.

CONDITIONS OF LABOR

Although no legislation establishing a minimum age for employment exists, state enterprises will not hire anyone who has not completed high school or lacks equivalent certification. Employment standards in the countryside, however, are hard to monitor and may be considerably more lax. Schools try to schedule some sort of "productive" activity as part of the curriculum, and children in rural areas often help out in farm activities. In the course of trying to universalize a system of compulsory 9 years' education, the Government is attempting to close off full-time employment opportunities (and thus the temptation to drop out of school) for those who have not finished minimum schooling. Conditions of work vary widely. In some impoverished areas, long, toilsome hours do not return even a bare living, and subsidies are required for survival. No minimum wage law has been promulgated. The Government tries to encourage productivity in state and collective enterprises, encouraging experimentation with various incentive systems.

TAIWAN

Taiwan's polity is dominated by the Nationalist Party, the Kuomintang or KMT, in an essentially one-party authoritarian system. In April a 12-man group from the KMT Central Standing Committee was tasked with studying sensitive political issues and reforms, such as lifting martial law and ending the ban on the formation of new political parties. In September the opposition, in defiance of the martial law ban on the establishment of new political parties, announced the formation of the Democratic Progressive Party (DPP). Though the DPP is technically illegal, the authorities have taken no action against it, and did not interfere with the convening of its first party congress in November. DPP candidates campaigned under their new party's banner in the December 6 election.

The Taiwan authorities, who claim to be the government of all of China, maintain the full array of central political bodies originally established on the China mainland under the 1948 Constitution. In recent years, supplemental elections have brought in younger members and have increased the vitality of these somewhat vestigial organs. The Legislative Yuan, the central legislative body, is evolving into a forum for questioning policy but still lacks power to change it.

The small and aging leadership group, whose members came to Taiwan from the China mainland after World War II, runs the KMT, the military, the security apparatus, and the executive bureaucracy. Political control is exercised through these bodies under a constitution whose major democratic provisions have been circumscribed by the martial law provisions enacted in 1949. The authorities had been justifying martial law as necessary to counter the threat of military action or subversion from the People's Republic of China (PRC), but recently they have announced their intention to rescind martial law in the near future. Although the people of Taiwan enjoy considerable influence in local-level decisionmaking, they have little input into the major political decisions affecting them.

Political evolution has occurred on Taiwan, but it has not kept pace with economic development. Human rights are publicly endorsed but incompletely realized. Although tolerated, opposition activity is restricted. The expression and publication of political views are controlled, and opposition activities are monitored, both at home and abroad. The confrontation over the issue of press freedom that flared in 1984, when proliferating opposition publications printed a rash of articles on traditionally sensitive topics, intensified in 1986. Several opposition politicians and magazine publishers and editors were imprisoned or sentenced to prison for violating the libel or election laws or both. The opposition and some independent observers charge that these cases were politically inspired.

A vocal opposition exists and enjoys a wide range of popular support, as well as some freedom of expression. With the mediation of scholars, the KMT and the opposition met twice during the spring to conduct a dialogue. In October the Committee announced its decision to lift martial law and replace it with a national security law, and to revise current laws to permit the legalization of new political parties. Draft legislation is currently being prepared in both areas,and the authorities have announced their intention to lift martial law officially early in 1987. However, arguing

that current laws are sufficient for Taiwan's security needs, oppositionists maintain there is no need for a new security law. New legislation is expected to continue some of the martial law restrictions on civil liberties. Military courts' jurisdiction over civilians, however, will be ended.

Native Taiwanese, descendants of Chinese who migrated from the mainland primarily in the 17th and 18th centuries, dominate the private economy. They now constitute more than 80 percent of the population but still are underrepresented at the upper levels of the ruling elite. Although the authorities continue gradually to recruit increasing numbers of Taiwanese to fill important economic, political, military, and security posts, dissatisfaction of many in Taiwan with mainlander domination has resulted in demands for more representative government. The increasing prevalence of higher education, foreign travel, and access to news from abroad has accentuated the felt need for political development, particularly among the younger generation. An expanding, prosperous, and educated middle class displays a growing willingness to pressure the authorities about human rights issues.

Throughout the past 37 years, Taiwan authorities have promoted economic development vigorously. In recent decades, Taiwan's largely free-market economy has been one of the fastest growing in the world. Its estimated per capita gross national product (GNP) of over US$3,672 ranks fourth highest in East Asia and is accompanied by high standards of education, health, and nutrition.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of killings for political reasons.

b. Disappearance

In recent years, there have been no substantiated reports of persons being abducted or secretly arrested by the security services.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Taiwan law specifically prohibits the use of torture. There are credible reports, however, that individual members of the police or security forces have resorted at times to physical violence in interrogating suspects.

Taiwan civilian prisons are severely overcrowded. According to a 1986 Ministry of Justice report, at the end of May 1986 civilian prisons built to accommodate 28,917 prisoners were holding 34,222. Because of this overcrowding, prisoners are forced to share cramped living quarters and have few opportunities for work, exercise, or family visits. In April the Ministry announced that under its 6-year plan, reported in 1985, some facilities would be replaced, others expanded, and still others constructed to increase inmate capacity by 12,000. Two new detention facilities, in Tainan and Kaohsiung, are already in use.

According to the Ministry, at the end of 1984 about 13 percent of the inmates in Taiwan prisons were serving sentences for writing bad checks. In 1986 the Legislative Yuan passed a bill, to come into effect on January 1, 1987, that changed this from a criminal offense to a civil one, thus eliminating the prison sentence. This move could alleviate prison overcrowding. According to the Cabinet, some 300 persons serving sentences for writing bad checks may be paroled by the end of 1986.

The military prisons administered by the security police, where political prisoners are confined, are reportedly less crowded. Prisoners are said to receive the same food as soldiers and to have work and recreation opportunities.

d. Arbitrary Arrest, Detention, or Exile

Taiwan law requires that within 24 hours after an arrest, the arresting authorities must give notice in writing to the arrested person and his designated relative or friend, stating the reason for the arrest or detention. The Code of Criminal Procedure, which does not apply to martial law offenses, specifies that the authorities may detain an accused person for up to 2 months during the investigation phase prior to the filing of a formal indictment, and for up to 3 months during the trial. Furthermore, during the investigation phase, the prosecuting officer may apply to the court for one extension of 2 months. The period of detention may also be extended during the trial. In recent cases, the authorities generally have followed these procedures and extended the periods of detention. Exceptions occur more frequently in the military courts. Persons indicted for relatively minor criminal offenses can be released on bail at the judge's discretion.

Suspects are guaranteed the right to have a lawyer present during the investigation phase. The Taipei Bar Association has complained, however, that defense lawyers are sometimes barred by prosecutors from visiting their clients during this phase. Persons arrested by the security services do not have the right to legal counsel until after they have been formally indicted.

The police legally may arrest without a warrant anyone they suspect of committing a crime for which the punishment would be 5 years or more in prison and may call in suspects or witnesses for questioning without a formal summons. Critics in the legal establishment, the press, and elective offices point out that these powers could easily lead to abuses.

In July 1985, the Legislative Yuan passed the so-called "anti-hoodlum" law, which accords police authorities broad powers, including the power to determine whether a person should be designated as a hoodlum. The civil courts confirm or deny police requests to remand hoodlums for reformatory education but have no authority to determine the length of such education, which is determined by the military; the length may range from 1 to 5 years. Detainees can be held incommunicado, and their families need not be notified of their arrests.

Many minor crimes on Taiwan are handled under a statute which empowers the police not only to arrest but also to prosecute and punish offenders. The provisions of the statute empower the police to impose and carry out sentences of up to 2 weeks imprisonment.

TAIWAN

Taiwan does not allow forced or compulsory labor, and there have been no reports of the practice.

e. Denial of Fair Public Trial

Taiwan's legal system is based on European and Japanese models and does not provide for trial by jury. Informed observers characterize the judiciary as basically independent, although susceptible to pressure from the authorities on whom judges depend for career advancement.

In 1986 the courts sentenced a number of opposition politicians and magazine publishers and editors to jail for violating the election or libel laws. With regard to these cases, both the opposition and some independent observers have raised doubts about the impartiality of the judiciary.

Under martial law, in effect since 1949, civilians who commit certain offenses, including sedition, may be tried in military courts. The authorities occasionally transfer "important" civilian cases (involving such crimes as armed robbery) to the military courts. Three cases involving a total of 6 people were transferred from the civilian to military courts during 1986. The authorities state that the military courts' swifter and generally more severe justice acts as a deterrent to potential criminals. The military courts' sentences are reviewed only within the Ministry of National Defense.

Trials, including those held in military courts, are public, but attendance at trials involving juveniles or persons considered politically sensitive may require permission from the court. Defendants have a right to an attorney, at public expense if needed. Following the traditional Chinese pattern, in a typical criminal court case parties and witnesses are interrogated by a single judge (in High Court sessions by the Chief Judge) but not by a lawyer or prosecutor. The judge may decline to hear witnesses or to consider evidence a party wishes to submit. Civil, but not martial, law specifically provides the defendant with protection from self-incrimination.

Court cases generally are heard through several brief court sessions, often separated by weeks or months. In High Court appellate proceedings, new evidence may be introduced, and judicial review of District Court judgments covers both fact and law. Persons convicted in cases where the sentence exceeds 3 years have a right to review by the Supreme Court. Those tried in military court do not have this right. The Supreme Court limits its review to the law of the case and to specific procedural aspects. More than one-half of all eligible cases are appealed and reviewed.

The authorities deny holding political prisoners. Critics of the regime have estimated, however, that there are about 90 to 100 political prisoners. According to the Executive Yuan (Cabinet), civilians have been tried by military courts for sedition, defined as opposition to basic policy. This includes expressing Communist sympathies, espousing views contrary to the authorities' claim to represent all of China, and supporting an independent legal status for Taiwan.

In February 1986, Chen Chu, one of the eight persons convicted of sedition in 1980 for their role in the 1979 Kaohsiung Human Rights Day rally, was released on parole. Thirteen other prisoners serving sentences for sedition were released with her. Another 13 prisoners convicted of sedition were paroled

in October. Shih Ming-teh, one of the 4 persons still serving a sentence for his part in the Kaohsiung rally, launched a hunger strike in March to demand that the authorities release his fellow Kaohsiung Incident prisoners. In April Shih was transferred to a military hospital where he was fed intravenously and was reported also to be taking liquids and some fruit. To mark the centenary of the birth of the late Chiang Kai-Shek, the Ministry of National Defense announced on October 30 the parole of 147 prisoners convicted of various offenses under martial law, including 13 prisoners convicted of sedition. None of the four remaining Kaohsiung Incident prisoners was included.

According to relatives, conditions for most of the remaining Kaohsiung incident prisoners have improved over the years. They complain, however, that the prisoners continue to be denied access to regular work programs and recreational activities. They also complain that health care should be better. The authorities deny these charges, claiming that the curtailed activities and contact are aimed at protecting the prisoners from possible harm from other inmates and that medical care is the same for all prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The daily life of a person not actively engaged in politics is subject only to minor interference by the authorities. Authorities impose limits on the use of the Taiwanese dialect (the mother tongue of most inhabitants of Taiwan) on television and radio. Romanized Taiwanese versions of the Bible are not permitted. The authorities do not interfere with basic family matters such as the right to marry or have children as one chooses. Membership in the KMT, the dominant political organization, is a matter of free choice.

Physical invasion of the home without a warrant, while not common, does occur occasionally. As noted in Section 1.d., the Code of Criminal Procedure generally requires that searches be authorized by warrants, signed by a prosecutor or, during a trial, by a judge. However, exceptions to this rule have increased substantially following the July 1982 revision of the Code to provide for warrantless arrests under certain circumstances. When making such arrests, police also may search persons or property without prior authorization. Other types of violations of privacy, such as the monitoring of telephone calls, are believed by many to exist. The authorities deny monitoring telephone conversations. In July 1982, the authorities instituted "selective postal checks" to intercept parcel bombs and correspondence from the People's Republic of China (PRC), receipt of which is prohibited by law.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press are guaranteed by the Constitution but martial law restrictions significantly limit these rights.

Critics maintain that security authorities monitor political expression, both in Taiwan and overseas. People are not free publicly to question the regime's basic political policy of anti-Communism or its claim to sovereignty over all of China. Those who speak favorably of Communism or the PRC, or question the legitimacy of Taiwan's mainlander authorities by

suggesting support for "Taiwan independence," can expect to be warned and, if they do not desist, to be charged with sedition and tried in a military court. Credible reports suggest that Taiwan agents keep tabs on persons from Taiwan in the United States suspected of being pro-PRC or pro-Taiwan independence. The authorities deny charges that the political activities of such persons residing in the United States are systematically monitored.

A debate over the immunity of locally elected legislators arose in September when a district court, citing the interpretation of the Council of Grand Justices, ruled that an opposition Taipei municipal councilman did not enjoy immunity from prosecution for remarks he made during a session of the municipal council, because those remarks were not germane to the business of the council. Some political observers felt that remarks made by locally elected legislators in their respective legislative bodies should enjoy absolute immunity.

The number of newspaper licenses is limited to 31. Newspapers are not allowed to increase the number of pages beyond the current maximum of 12. Nearly all are owned by the authorities, the KMT, or senior KMT party leaders. There are, however, several smaller privately owned and independent newspapers. Control over daily newspapers is often exercised indirectly, through guidance from the Government Information Office and the KMT. Newspapers gradually have expanded their coverage of sensitive subjects, such as news from the PRC and opposition activities and views. However, the authorities have at times threatened strong action when coverage of sensitive events displeased them.

Shortly after publishing its first issue, Taiwan's first opposition daily publication was suspended on May 21, 1985 for a year. The opposition planned to resume publication in mid-September 1986, but in early September publication was suspended for another year.

Censorship of publications is carried out through provisions of martial law and the Publications Law, which empowers the security police to seize or ban printed material that "confuses public opinion and affects the morale of the public and the armed forces." As interpreted by the authorities, this covers a wide range of topics, including articles that discuss possible leadership changes, question the legitimacy of KMT rule, criticize Taiwan's foreign policy, or merely reveal behind-the-scenes news that is potentially embarrassing to the leadership.

Although the limits of acceptable criticism are not clear-cut, opposition publishers generally know when an issue of their magazine is courting a ban. In addition, reporters and editors exercise a considerable degree of self-censorship. Publishers sometimes have been willing to run risks in order to test the limits and boost sales. In 1986 the financial rewards associated with brisk sales prior to confiscation continued to decline as the authorities' stepped-up monitoring of both printers and newsstands resulted in full or large-scale confiscation of banned magazines.

Censorship of opposition periodicals intensified in 1986. In 1985 about 75 percent of all issues were banned. In 1986 virtually every issue of opposition magazines was banned and forced underground. The authorities argue that the magazines distorted facts and sullied the reputation of leading

figures. Licenses of at least 5 magazines were suspended for 1 year but at least 2 of these were able to publish under other, previously issued licenses by changing their names. The license of one magazine was withdrawn permanently, the heaviest sentence imposed to date. An estimated total of 9 opposition magazines were published in mid-1986.

In 1986 several opposition magazine publishers and editors were imprisoned for violating the Libel Law. The defendants and their supporters argue that the court judgments against them were politically motivated. A Government Information Office employee was given a suspended sentence of 10 months in November 1985 and subsequently demoted by 2 steps for allegedly leaking a document in 1984 which revealed that the authorities had apparently discussed plans to harass the opposition press through various means, including libel suits.

The authorities occasionally ban books. Although the writings of pre-World War II pro-Communist Chinese authors are formally banned, a few of their famous works are obtainable.

The authorities partially or wholly own all three of the island's television stations. Television coverage of sensitive political subjects is even more restricted than coverage by the print media.

Foreign publications are available but are also subject to censorship. Occasionally pages carrying articles offensive to the authorities are removed or blacked out before they are distributed. Some foreign publications are available through subscription only and are not allowed to be sold on newsstands. From time to time an entire issue will be withheld from distribution.

The security forces announced in 1986 that facsimile transmission (fax) machines have been classified as restricted telecommunication equipment. Since September 1, 1986, their import or sale requires a license.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is guaranteed by the Constitution. In practice, however, public assembly for political purposes, except during elections, is often circumscribed by martial law provisions. During the first half of the authorized campaign period preceding elections, all candidates are allowed to hold rallies, although these are closely monitored by the authorities. During the second half, campaigning is limited to highly structured, officially sponsored rallies in which both KMT and opposition candidates participate.

The 1983 Election and Recall Law prohibits holding campaign rallies in any form prior to the authorized period. The Law also permits joint rallies of two or more candidates only at officially sponsored rallies. Opposition politicians have been sharply and openly critical of these measures, claiming they hinder their ability to reach the electorate. Nevertheless, oppositionists have been able to hold a number of rallies, demonstrations, and lectures outside the authorized campaign period without official sanction.

Civil servants, teachers, defense industry workers, and administrators acting on behalf of employers are prohibited from organizing unions. Unions are permitted in many other

fields, however, and 19.4 percent of Taiwan's work force belong to unions.

Unions do not play a strong role in Taiwan. Their power is sharply curtailed by the prohibition on walkouts and strikes under martial law. Unions focus primarily on employee welfare and benefits rather than on higher salaries. Collective bargaining, although legal, does not take place. Unions do have a role in monitoring compliance with labor laws and educating workers as to their legal rights.

Union leaders have a close and friendly working relationship with the authorities. Most top union officials are members of the KMT. However, KMT control is not absolute; for example, the Chinese Federation of Labor (CFL), Taiwan's national labor organization, is on record as being critical of the ban on strikes. The CFL maintains contact with the International Confederation of Free Trade Unions.

c. Freedom of Religion

The Constitution guarantees freedom to practice religion. This guarantee is generally observed in practice. Most Taiwan inhabitants adhere to Confucianism, Taoism, Buddhism, animism, or a combination of these beliefs. Other religions include Christianity and Islam. There is no established or favored religion.

While generally respecting the right to practice religion, the authorities have brought pressure to bear against religious organizations they consider to be involved in unacceptable political activity. The Presbyterian Church in Taiwan (PCT), whose approximately 210,000 membership is predominantly Taiwanese, has been a prime target.

Kaohsiung County authorities have been involved since 1980 in a dispute with a denomination called the New Testament Church over the right of church members to settle on a tract of leased public land near Kaohsiung, in southern Taiwan. In October the Ministry of the Interior announced a relaxation of the restrictions on access to the disputed area and the planned approval for 17 members to take up residence within the area. Seven members were sentenced to 5 months in prison in June after a court found them guilty of beating policemen and disrupting order at the Chiang Kai-shek International Airport in December 1985; they were protesting the decision by local immigration authorities to deny entry to a Malaysian member of the sect. In October the authorities loosened control over access to the disputed land and also pledged to resolve expeditiously other problems involving church members' resettlement and lease of land in the area. Initially, church leaders appear to be taking a wait-and-see attitude. Unlike previous years, the authorities did not resubmit in 1986 a revised draft of the "Law for the Protection of Religions." (This proposed legislation has been criticized in past years by observers who felt that it would restrict the rights of religious groups.)

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for the freedom to change residence, but registration of one's residence is required. Except for military and other restricted areas, there is general freedom of internal travel. Emigration and private travel abroad have

become freer since 1979. In 1985, 847,000 Taiwan residents went abroad for tourism. Since 1980 businessmen have been permitted to travel to and do business directly with certain Eastern European countries. In August 1986, a women's basketball team competed in the Moscow World Cup games, the first trip by local athletes to the Soviet Union. Although travel to the PRC is officially prohibited, the authorities often overlook some discreet travel to the mainland via other countries. After the last calendar day of the year in which they turn 15, males may not leave Taiwan until completion of compulsory military service. Permission to leave Taiwan may be delayed or withheld by police denial of an exit permit. Although in the past outspoken critics have been denied exit permits, in recent years a number of persons openly critical of the KMT have been permitted to travel overseas.

In general, the authorities recognize the right of those Chinese who hold Taiwan passports, and who normally reside in Taiwan, to return from abroad. Those issued "Overseas Chinese" passports do not automatically have the right to travel to Taiwan for permanent residence. In principle, the Government is suspicious of and will not authorize the entry of Chinese between the ages of 16 and 75, even those who have long held Taiwan passports, if they have lived in Communist-controlled areas within the preceding 5 years.

A 1984 law authorizes the authorities to detain or revoke the Taiwan passport of persons whose behavior violates the interests of Taiwan, or endangers security, public order, tradition, or Taiwan's economic interests. Critics of the law state that it gives the authorities the power to revoke the passport of any person who makes remarks overseas that are deemed inimical to Taiwan's interests. They argue that this places undue restriction on the opposition's right to travel and to make its views known outside Taiwan. The authorities say the measure is necessary to curb the activities of economic criminals: tax evaders, persons engaged in illicit activities, and those who have left large debts behind in Taiwan. There was one widely publicized occurrence of the law having been used during 1986 when a U.S. permanent resident tried to return to Taiwan in early December, just 5 days before the elections. Despite being wanted in Taiwan for alleged seditious activity, he was denied entry into Taiwan by the authorities.

Under Taiwan's "Orderly Departure Family Reunification Program," since 1977 more than 5,670 ethnic Chinese from Indochina have been resettled on Taiwan and more than 2,000 persons who arrived from Indochina by small boats have been granted "temporary" refuge. With the exception of 58 who found sponsors and resettled on Taiwan, all of those arriving by small boats have been resettled in third countries. More than 100 are currently awaiting resettlement. The authorities report that there have been no refugees from non-Communist areas. They advise that any such instances would be dealt with on a case-by-case basis. Refugees are not forced to return to their country of origin.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Effective political power resides with the aging KMT leadership, which fled the mainland in 1949. Reflecting their claim to be the government of all of China, the authorities maintain not only a provincial and local government system but

also an array of political bodies identical to those found on the mainland prior to 1949. The locus of power on Taiwan is the Presidency, the Executive Yuan, the military and security apparatus, and the KMT Central Standing Committee. This power is exercised by a small number of top figures in these organizations, particularly by the President. Although the number of Taiwanese in the Cabinet and the Central Standing Committee gradually has been increasing, they do not yet wield significant power within these bodies. Hence, although Taiwanese hold a number of high positions, including those of Vice President, Vice Premier, Ministers, Governor of Taiwan, and Mayors of Taipei and Kaohsiung, their power individually, and even their collective influence, is limited. As representatives of the majority population, however, their views form an important consideration as the leadership decides on major policies. Taiwanese have greater effective power at the local level, where they hold most of the executive and KMT party positions.

The most important elective bodies at the central level are the National Assembly, which convenes every 6 years to elect the President and Vice President, and the Legislative Yuan, which is the parliament. There have been no general elections to these two bodies since 1948. Surviving mainland representatives elected in 1948 continue to hold their seats and to form the bulk of these bodies' memberships. Since 1969, periodic "supplementary elections" have been held to choose additional representatives from Taiwan province and the offshore islands (which are considered part of Fukien province). Nevertheless, only 970 out of 2,691 seats of the National Assembly are currently filled, including 76 supplemental seats. Of the Legislative Yuan's current membership of 320, the supplemental legislators number 71 and constitute the most active group, due largely to the advanced age and incapacity of those elected 38 years ago on the mainland.

The nature of the elective bodies continues to spark calls by both opposition and KMT politicians, academicians, journalists, and legal experts for more representative institutions. The authorities are extremely reluctant to adopt any measures that might undercut the mandates of those parliamentarians who were elected on the mainland in the late 1940's, as to do so could call into question the authorities' claim that these bodies represent all of China. However, a blue-ribbon 12-person group of KMT Central Standing Committee members has been empowered to study the issue of the rejuvenation of the central parliamentary bodies.

The central authorities appoint the Taiwan Provincial Governor and the mayors of Taipei and Kaohsiung. Elections for the provincial assembly and county and other municipal level offices have been held regularly since 1950. Universal suffrage exists for citizens 20 years of age and over. Voting is voluntary and by secret ballot; voter turnout runs over 60 percent.

One party, the KMT, dominates Taiwan, as it has since 1945. There are also two minuscule, nominally independent parties which came from the mainland. Although the KMT's structure and control mechanisms are based on Soviet models, the party's operations are considerably more flexible. Party organs exist at all levels of the ruling structure, as well as in the military, schools, and other public institutions. People who arrived from the mainland after 1945 dominate the highest

echelons of the KMT. Taiwanese predominate at local levels and are playing an increasingly important role in the middle and higher levels. Taiwanese comprise more than 60 percent of the KMT's total membership of approximately 2 million.

New political parties are forbidden under martial law. In the past, candidates who opposed the KMT in elections ran as independents, referring to themselves as "outside the party" (dangwai) candidates. Although not permitted to form a party, dangwai politicians organized in 1984 a "Dangwai Public Policy Research Association" which they have described as a protopolitical party. In 1986, 13 branch offices were opened throughout Taiwan. Dangwai politicians have also organized ad hoc "campaign assistance groups" to nominate candidates for elections. In defiance of martial law, the opposition announced on September 28, 1986, the formation of the Democratic Progressive Party. Although the new party is technically illegal, the authorities have taken no action against it. The DPP successfully fielded candidates in the December 6 election. The authorities are also in the process of revising current laws in order to permit the legal establishment of political parties.

In the 1986 Legislative Yuan and National Assembly elections, the KMT won just under 70 percent of the popular vote, down slightly from the results in previous elections. It picked up 59 (out of 73) Legislative Yuan seats and 68 (out of 84) National Assembly seats. The new Democratic Progressive Party, with over 20 percent of the vote won 12 Legislative Yuan seats and 11 National Assembly seats. The 1986 elections were conducted in a peaceful and orderly fashion. The role of the opposition is greater than its small numbers might indicate. Opposition members are very vocal in elective bodies and frequently use interpellation sessions to raise controversial or sensitive issues.

Opposition candidates face several disadvantages in the election process. Television, state-owned, ignores opposition campaign activity. The 1980 election law limits the campaign period before an election to 15 days for National Assembly and Legislative Yuan elections and 10 days for local, county, and provincial elections. The law also stipulates who may speak at rallies, and under what circumstances. The revised election and recall law enacted in June 1983 abolished joint rallies and precampaign "get-togethers," campaign tactics favored by the opposition. The law also placed ceilings on campaign expenditures, political contributions, and the quantity of campaign paraphernalia. The opposition argues that these provisions further reduce its ability to compete with well-financed, well-organized KMT candidates and hinder contact with the electorate. Opposition politicians label as ineffective the newly adopted provisions penalizing candidates for vote-buying and bribery. Press self-censorship and banning result in less publicity for the views of the opposition, which further handicaps dangwai candidates.

The 1983 revisions of the election law also changed the method of indirect election of members of the Control Yuan (which exercises powers of impeachment, censure, and audit). The opposition charges that the changes were aimed at making it impossible for the opposition to pool their limited votes behind one candidate.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In past years, the Taiwan authorities have occasionally permitted representatives of international human rights organizations and private persons interested in human rights issues to meet with appropriate officials and other persons. A delegation from the Asia Watch Committee went to Taiwan in August to examine the human rights situation.

The nongovernmental Chinese Human Rights Association, a strongly anti-Communist organization that originally focused its attention on human rights questions in the PRC, is devoting more of its efforts to human rights on Taiwan. The Association has sponsored tours for lawmakers and legal experts to examine Taiwan's crowded prisons and has established a free legal aid service.

In December 1984, a group of opposition lawyers, scholars, parliamentarians, and doctors established the Taiwan Human Rights Association (THRA). The authorities have stated that the THRA cannot be officially recognized because it has not been registered in accordance with the "Law Governing the Organization of Civic Bodies During the Extraordinary Period". This Law permits the registration of only one association per organizational function. The authorities have noted that the Chinese Human Rights Association already has been registered and, therefore, a second human rights organization may not legally be established. THRA sponsors argue that the civic bodies law is unconstitutional because it was promulgated before the Constitution was adopted. This issue has not been resolved, and to date the THRA has neither been registered nor disbanded.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Taiwan's only non-Chinese minority group consists of descendants of Malayo-Polynesians who were already established in Taiwan when the first Chinese settlers arrived. These aboriginal people comprise slightly more than 1 percent of Taiwan's total population. There is no official policy of discrimination against them, but the barriers created by de facto cultural and economic discrimination are frequently difficult to surmount; thus aboriginal "mountain people" occupy the bottom rungs of Taiwan's socioeconomic ladder. Specially designated seats in both central and provincial legislative bodies are reserved for aborigine representatives, and the authorities have instituted a number of social programs to ease the aborigines' transition into the dominant Chinese society.

Women generally earn 40 to 50 percent less than men and, although the law now prohibits sex discrimination, there is little to suggest that women will challenge the status quo. The few laws that discriminate against women relate mostly to divorce issues and inheritance. A revised Civil Code passed by the Legislative Yuan in March 1985 provides for more equal treatment of women in the areas of marriage and divorce. In recent years, women have taken an increasingly active role in local politics and have been increasingly successful vote-getters. Election regulations ensure that women hold a minimum of 20 percent of elected offices at both the central

and local levels. Enrollment of women over 18 years of age in institutions of higher learning has increased during the past 30 years from 1,750 students in 1953 (0.3 percent of the total number of students enrolled) to 131,297 students in 1983 (9.7 percent of the total number of students enrolled). A fledgling women's rights movement is growing slowly.

CONDITIONS OF LABOR

The Taiwan Labor Standards Law, promulgated in 1984, was "enacted to provide a minimum standard for labor conditions, protect workers' rights and interests, improve worker-employer relationships and promote social and economic development." It is applicable to about 4 million of Taiwan's 7.8 million workers, mostly in blue-collar jobs, public utilities, construction, agriculture, transportation, and communications. The law has enjoyed relative success in several areas. The minimum age for employment is 15, and a combination of this law and a strict compulsory education law assure that few children are employed on Taiwan.

Other areas covered by the law have not been easily enforced. The workweek is limited to 48 hours (8 hours per day, 6 days per week) with certain provisions for overtime. The monthly minimum wage is approximately US$154 and a proposal to raise it by about 12 percent is pending in the Executive Yuan. Most larger firms provide their employees with allowances for transportation, meals, housing, etc., which can amount to 60 to 80 percent of base salary. There are minimum standards for working conditions and health and safety precautions.

Enforcement of these provisions is difficult because the number of inspectors is far too small to ensure regular checks on compliance. Routine inspections of any given business may be held as seldom as every 11 years, and action is rarely taken unless a worker complains formally to the authorities. Further, with only half of the work force covered by the Labor Standards Law, and with most companies being small, family-owned operations employing relatives who will not report violations, actual adherence to the hours, wage, and safety sections of the Law is hard to document and thought to be minimal.

FIJI

Fiji is a multiracial society with a population of 715,000 (July 1986) comprised of indigenous Melanesians/Polynesians (46 percent), ethnic Indians (48 percent), and Europeans, Chinese, and other Pacific Islanders (6 percent). It has a bicameral parliamentary system inherited from the British colonial period which ended in 1970. Its Constitution provides safeguards to protect traditional communal social systems, including land tenure rights of the indigenous Fijians. The individual civil and political rights of Fiji's citizens are protected by law, a court system which functions effectively and rapidly, a free press, free democratic elections, and a government which supports cultural diversity. Basic human rights such as free association and the right to own private property are enshrined in law and observed in practice. Fiji is a developing country whose main industries are sugar refining and tourism. Industrial development is proceeding primarily through the expansion of light manufacturing. During 1986 Fiji continued its excellent human rights performance.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no politically motivated killings by the Government or opposition political organizations.

b. Disappearance

There were no disappearances nor was there any evidence of people being abducted, secretly arrested, or clandestinely detained.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture, prohibited by law under the Constitution, is not practiced. Cruel, inhuman, or degrading treatment or punishment is illegal and is neither condoned nor practiced. There are no summary executions. Treatment of prisoners is impartial and humane. In addition to constitutional prohibitions, Legal Notice No. 51 contains specific regulations on treatment, visiting rights, clothing, etc., which are respected in practice. Prisons remain overcrowded, but prisoners can serve their time and live outside the prison environment for the last 12 months of sentence and for any sentence of 12 months or less. Legislation also allows for gainful employment, in addition to a commitment to perform public work, while serving extramural sentences. Public defenders are available, and the Fiji Red Cross has access to detainees.

d. Arbitrary Arrest, Detention, or Exile

Habeas corpus exists and is honored in practice, and there is no preventive detention. In addition to constitutional safeguards, Legal Notice No. 14 establishes detailed rules to be followed by the police during arrests. A suspect can be held no more than 24 hours without charge following arrest. Exile is not practiced.

FIJI

Fiji does not permit the use of forced or compulsory labor, and there have been no reports of either practice.

e. Denial of Fair Public Trial

Public trial is guaranteed by law and honored in practice. Defendants are entitled to counsel, and counselors have free access to defendants. Defendants are made fully aware of the charges brought against them, and they and their lawyers have access to the evidence upon which charges are based. Fiji's courts are independent of executive or military control. There are no special courts, and civilians are not tried by military courts. Fiji has no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The sanctity of the home is respected. Warrants issued by a magistrate are required for officials to enter a private residence. There is no arbitrary intrusion by the State or political organizations into private life.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedoms of speech and press are guaranteed by the Constitution and observed in practice. The press is free and private and not censored or controlled by the Government. However, Fiji inherited an ordinance from the colonial administration which allows the Government to order a correction in the press if the Government believes it has been misrepresented. This ordinance, though very seldom used, is resented by the press since it requires giving equal space and equal placement to the Government's statement. There is no interference with academic inquiry.

b. Freedom of Peaceful Assembly and Association

There are no impediments to assembly or to freedom of association, although an ordinance requires obtaining a permit 1 week in advance of any picketing or public demonstration.

Fiji has an active trade union movement, which has the right to organize, strike, bargain collectively, and lobby; these rights were exercised freely in 1986. Fiji's 50 trade unions have about 45,000 members. Unions must give a 28-day notice of intent before going out on strike in the public sector. Fiji's largest trade union confederation is associated with the International Confederation of Free Trade Unions.

c. Freedom of Religion

All religions are tolerated and allowed to practice freely. There is no dominant religion in Fiji, nor is any singled out for discrimination. Evangelical religions are free to seek converts and actively do so.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

All Fiji citizens are free to travel anywhere within the country and abroad. There are no restrictions on repatriation. There are no displaced persons in Fiji.

FIJI

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Fiji's political structure is designed to accommodate the special interests of the ethnic Fijians and of the ethnic Indian community. Election to the House of Representatives is on the basis of communal and national rolls. House elections are free and democratic, and many parties contest the seats. In Fiji's most recent national elections, 84.4 percent of the voting age population participated. Members of the Senate are appointed by the Fiji Council of Chiefs, the Prime Minister, and the leader of the opposition.

Fiji's court system has tried, and in some cases convicted, persons charged with voting fraud, including a member of the governing party.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There have been no reported allegations of human rights violations by the Fiji Government nor any known requests for investigations. Fiji's Ombudsman investigates complaints against the Government while maintaining the confidentiality of the complainant. A free, independent, and competitive press also serves as a watchdog for human rights. There are no adverse consequences associated with actions of either of these institutions.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Government neither condones nor encourages discrimination based on sex, race, or religion. The Constitution states that "every person in Fiji is entitled to the fundamental rights and freedoms of the individual, that is to say, the right regardless of race, place of origin, political opinions, color, creed or sex...". There is a growing awareness among women of both the Fijian and Indian communities of their right to participate more actively in social and political endeavors. However, women in rural areas continue to fulfill the traditional roles of village life and few women hold high-level business or political positions. Tribal inheritance is usually based on a patriarchal system. Women can and do, however, inherit status as chiefs; Fiji's third highest ranking chief is a woman.

About 85 percent of the land in Fiji is owned communally by the indigenous Fijian people (46 percent of the population). Freehold land title is not an indigenous concept; current freehold land was alienated from the customary owners during the colonial period. Approximately 6 percent is government land, leaving less than 10 percent as freehold land. Communal and government lands can be leased but not sold; only freehold land can be purchased outright. The arrangement regarding land ownership was instituted to protect the interests of indigenous Fijians from the more economically competitive Indo-Fijians, but some of the latter consider it discriminatory and an interference with their own freedom to develop. Some members of the Indian community also complain that it is difficult for them to obtain government-backed financing for investment projects.

FIJI

Indo-Fijians have generally experienced greater success in the pursuit of educational studies and in the accumulation of wealth through investment in private enterprise. Most businesses in Fiji are owned and operated by Indo-Fijians, and they are more heavily represented in the civil service. Some indigenous Fijians view the concentration of Indo-Fijians in business and government as discriminatory to their own racial group.

CONDITIONS OF LABOR

Worker rights in Fiji are protected under several pieces of industrial legislation. No child under age 12 may be employed in any capacity. Children (persons under age 15) and "young persons" (age 15-17) may not be employed in industry or in attendance on machinery. With some exceptions, women and young persons may not be employed in industry between 6 p.m. and 6 a.m. There is no national minimum wage; however, several statutory and nonstatutory bodies have been established to set minimum wages by sector. Fiji's employment act protects workers from summary dismissal without just cause.

A Workmen's Compensation Act and an Accident Compensation Plan have been enacted to set safety standards in the workplace and establish guidelines for compensation for workers injured on the job. Some unions in Fiji have criticized employers and the Government for failing to take action to remedy unsafe working conditions after they have been notified of them by the unions. The majority of such allegations have been made in connection with Fiji's sugar industry, the largest and most "industrialized" sector of the economy.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: FIJI

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	0.0	0.0	1.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	1.4
A.AID	0.0	0.0	1.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	1.4
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.0	0.0	1.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	1.4
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	0.0	0.0	0.0	0.0
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.0	0.0	0.0	0.0
OTHER-UN	0.0	0.0	0.0	0.0
EEC	0.0	0.0	0.0	0.0

INDONESIA

Indonesia is the fifth most populous country in the world and the largest nation in southeast Asia, with a population estimated in 1985 at 173 million. Its "New Order" Government, came to power in 1966 after an abortive Communist Party-backed coup. Authority is concentrated in a small group of retired and active-duty military officers and civilian technocrats under the leadership of President Soeharto. A partly elected, partly appointed Parliament serves as a forum for consultation on and promulgation of legislation proposed by the Executive Branch. In reaction to the legacy of political and economic turmoil from the Sukarno days, the Government has established priorities of stability, economic development, and social equity. While it has achieved some successes in each area, efforts to achieve wider distribution of economic benefits, particularly in light of the problems the country faced in 1986, have yet to bridge the enormous disparities in wealth and access to economic advantages development has brought.

Faced with a wide diversity of ethnic, social, linguistic, and religious groups, Indonesian governments have sought to create a unique national identity and develop a governing system which can accommodate this diversity while assuring internal security and strengthening national unity. In meeting this challenge, the Soeharto Government has made "Pancasila" the national social and political ideology and the centerpiece of its political program. Pancasila, a centrist and eclectic formulation, consists of five principles: belief in one Supreme God, belief in a just and civilized humanity, Indonesian national unity, democracy, and social justice. To build a national identity, the Government emphasizes social harmony and the traditional Indonesian process of consultation and consensus as a major element in decisionmaking.

Indonesia has a mixed economy with the State involved in nearly all sectors. The remarkable economic growth over the past 2 decades suffered severe setbacks in 1986 due to the drop in petroleum and commodity prices and continued domestic economic inefficiencies. Ethnic Chinese citizens of Indonesia are heavily represented in the small but economically important private sector. Indonesia's national ideology and current 5-year economic plan stress improved social welfare for all without discrimination.

Although there were modest improvements in some areas of human rights in 1986, problems continue in others. These include reports of torture and cruel treatment of prisoners and restrictions on freedom of speech and press, on freedom of movement and activities of political parties, and on labor organizations.

The Government continued efforts to consolidate its control and improve the welfare of the people in East Timor. Periodic skirmishes between Fretilin guerrillas and the army occurred with unknown but relatively small numbers of casualties on both sides. The Government continued to permit selective access, including escorted diplomatic visits, tours by Western newsmen, and, for the first time since 1975, a visit by a Portuguese Parliamentarian. International human rights organizations were denied general access or permission to observe subversion trials. As a result of ambitious government plans, East Timor is benefiting from significant improvements in social services, particularly education and health centers, communications, and economic conditions.

INDONESIA

In Irian Jaya, Organization for a Free Papua (OPM) rebels have increased their militant activity, although actions are taken more often against fellow Irianese villagers than against any Indonesian Government forces in the province. Over 700 Irianese fled to Papua New Guinea in the past year, reportedly in response to rebel warnings or fears of OPM and Indonesian army activity in their home areas.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Covert summary executions of suspected criminals, a campaign begun in early 1982 in response to the fast-rising rate of violent crime, virtually stopped in 1986. The Government stated in July that the campaign of so-called "mysterious killings" had ended. The specific perpetrators of these executions have never been publicly identified.

It is believed the incidence of such killings was very low in 1986. It is difficult to estimate the number of killings as they are frequently indistinguishable from many other acts of violence, particularly among criminal bands. In early 1986 there were press reports from Central and Eastern Java of "mysterious killings," closely linked to security forces, which involved other than suspected criminals. Neither the purpose nor the perpetrators of these acts became known.

There were no public reports of further implementation of the 1985 police policy of "shoot to kill" in instances of violent crime. However, a shoot-to-wound policy toward allegedly escaping criminals in North Sumatra occasionally resulted in deaths of purported criminals.

In 1986 there were reports which could not be independently verified of political killings in Irian Jaya or East Timor. Both are areas of ongoing internal strife between authorities and local rebel groups, and the Government limits access. The Government continued to offer amnesty to rebels in both provinces. Over 50 Fretilin guerrillas reportedly surrendered in East Timor in 1986 and were permitted, under terms of the amnesty, to settle within the local community under the supervision of the police and the church. There are no reports of rebels in Irian Jaya surrendering to the authorities.

b. Disappearance

Knowledgeable observers report continued incidents of disappearances in 1986, usually believed to be at the hands of security authorities operating under special legal provisions exempting them from the criminal code. Reports are often unspecific and virtually impossible to confirm as the Government rarely if ever responds to inquiries concerning alleged disappearances. Observers believe the number of disappearances is very small. Many disappearance reports relate to events that took place before 1986 in East Timor or following the riots in the Jakarta port area of Tanjung Priok in 1984. Regularized International Committee of the Red Cross (ICRC) access to prisons in East Timor and elsewhere in Indonesia has helped to locate some persons thought to have disappeared.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Although stated government policy discourages torture and cruel punishment of prisoners or detainees, instances of torture, cruel treatment, and even death while under detention are reported periodically in the press and by knowledgeable observers. Standard police treatment of detainees, even in minor incidents, often results in physical abuse. A policy of shoot-to-wound criminals allegedly attempting to elude arrest, instituted in North Sumatra in 1985, continued throughout 1986. The local press reported 36 such shootings in Medan in the first 6 months of 1986, in which all alleged criminals were shot in the legs. Authorities, and related press reports, indicate such incidents declined toward the end of 1986 although the program continued. Occasionally victims have died from their wounds.

In a report on the treatment of Muslim prisoners, Amnesty International reported in 1986 incidents of intimidation and of cruel and degrading treatment, including beatings and coercion of testimony. The Government denied the allegations but no independent investigations were permitted.

d. Arbitrary Arrest, Detention, or Exile

Although the December 1981 Criminal Procedures Code (KUHAP) contains protections against arbitrary arrest and detention and specifies the right of prisoners to legal counsel and notification of family members, these safeguards frequently are not respected in practice. Emergency security provisions permit exceptions under which arrests and detentions may be made by the Command for the Restoration of Security and Order (KOPKAMTIB). The provisions of the criminal code are honored more often in urban areas than in small towns or remote provinces, in part because of a shortage of trained trial lawyers and ignorance of the law by those detained as well as by the police. Authorities are known to make arrests to intimidate or inhibit activities; such arrests may have little or no legal basis, but the vagaries of the legal system preclude redress of grievances in most cases.

Indonesian law does not specifically include the right of habeas corpus or its equivalent. The military organization KOPKAMTIB has wide powers to detain and interrogate persons thought to endanger national security. These special powers supersede the criminal code provisions and apply particularly to cases of suspected subversion, sabotage, secession, or corruption. Arrests or detentions made under these powers are rarely if ever made known publicly, although the arrest of three students from East Timor in 1986 was officially acknowledged (and the students were subsequently released). Persons arrested and held under KOPKAMTIB provisions have no automatic right to legal aid or other protection.

Precise numbers of persons detained without trial are unavailable. Human rights observers believe there may be as many as 500 throughout Indonesia. In addition, at the end of 1986, 631 persons remained in detention on Atauro Island, East Timor, for suspected support of Fretilin. According to government officials, they will be returned to their home area of Viqueque when security conditions there permit. Most of the 3,400 other detainees who had been held at Atauro have been resettled in their home areas; some have been settled elsewhere in the province and have not been permitted to return to their

original homes, for security reasons according to the Government. The ICRC continues to provide nutritional and medical assistance to those still on Atauro.

There have been no reports of the use of forced labor in Indonesia in recent years.

e. Denial of Fair Public Trial

As government employees, judges in Indonesia come under the jurisdiction of the executive branch. Legal experts have noted that interference from the executive branch greatly affects the independence of the judiciary. A bill to change this is periodically introduced in Parliament, but none has yet been passed. Corruption is also a problem in the Indonesian legal system. In criminal proceedings, defendants are frequently able to buy their way out of prosecution at various stages of the proceedings. In civil cases, court decisions are sometimes influenced by the payment of bribes. In response to these abuses, the Government from time to time has taken action against particularly flagrant offenders, but by and large these practices continue unabated.

In cases involving what could be defined broadly as "security" issues, particularly instances in which persons are being tried under the subversion provisions of 1963, the accused are rarely, if ever, found innocent. No defendant in such a case is known to have been found innocent in 1986. In all such security-related cases, it is widely believed the Government will ensure conviction irrespective of the evidence presented in court; such convictions are aided by the court's ability to restrict evidence presented. Although the Government has not announced data on the number of persons serving sentences for subversion, one reliable estimate suggests there may be several hundred. Several subversion trials took place in 1986, most related to the 1984 Tanjung Priok riots or their aftermath or to alleged Muslim extremist activity. There were no reports that in any such trials the accused were found innocent.

Adnan Buyung Nasution, a well-known human rights activist and one of the defense attorneys for retired General H. R. Dharsono in his 1985-86 trial, was accused of contempt of court for behavior during the Dharsono trial. The alleged contempt of court action took place before Indonesia had any contempt of court statute. Nonetheless, despite questionable legal grounds, the Government pursued its case against Nasution.

In the autumn of 1986, the Government executed nine former Indonesian Communist Party (PKI) activists. The Government states that all had been tried in the late 1960's in accordance with Indonesian law and had been able to appeal their sentences up to the President. Their appeals were turned down. Various human rights organizations, however, have expressed concern over the conduct and fairness of these trials and subsequent appeal proceedings. A dozen or more other former Communist leaders remain in prison under sentences of death.

Indonesia's criminal justice system lacks the number of courts, trained judges, prosecutors, and police needed to cope with the increase in crime in recent years. As a result there are frequently lengthy delays in scheduling trials. Trials are conducted by a three-judge panel which hears evidence, decides guilt or innocence, and assesses punishment. Although the right of appeal is not absolute, it is observed in most cases. Initial judgements are rarely reversed, although sentences are

occasionally reduced. Most court sessions are open to the public, and most defendants have access to counsel if they can pay or, if desitute, find private legal help such as that provided by the Legal Aid Institute. There is no direct system of public funding of court-appointed attorneys for those unable to afford legal assistance.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Judicial warrants for searches are required except for cases involving suspected subversion, economic crimes, and corruption. However, forced or surreptitious entry by security agencies reportedly occurs periodically. Both local and international telephone calls are believed to be monitored selectively by government security agencies. Although correspondence generally is not monitored, letter mail to and from East Timor is subject to official scrutiny.

Permits are required for the import of foreign publications and video tapes, which must be reviewed by government censors. Some foreign newspapers and magazines, especially from Australia, cannot be imported. Foreign publications which do enter Indonesia are subject to censorship. The import of Communist publications is prohibited. Excepting one quasi-official daily newspaper which uses Chinese characters and claims a circulation of over 100,000, Chinese language publications can neither be imported nor produced domestically. Chinese characters are routinely blotted out of foreign news photos and advertising. There are no laws against speaking Chinese, but the Government lays heavy stress on the learning and use of the national language, Bahasa Indonesia, to promote national unity.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press is circumscribed. The Constitution gives Parliament the authority to legislate these restrictions. In recent years, Parliament has helped create a body of law delimiting the rights of individuals and of the Government. In the absence of implementing regulations for many of these laws, different government agencies frequently interpret them as they choose. The result is that these agencies have considerable discretionary authority in the field of civil rights, e.g., freedom of the press and speech. Governmental concern about public statements or publications which could be perceived as critical of the Government, and therefore threatening to the nation's stability, is a major factor inhibiting the exercise of free speech and press.

Opposition groups are generally free to meet privately and formulate views, but they are inhibited from disseminating them publicly because of media reluctance to risk official disapproval or because of informal government instructions not to publish the opinions of or news about prominent opposition figures. As in past years, authorities provided general topic guidelines to Muslim speakers during the Muslim holidays when preachers addressed large gatherings. In a few instances preachers who went beyond these guidelines were arrested.

Authorities canceled public readings by popular poet Rendra in Jakarta and at a literary gathering in Jogjakarta for anticipated "inappropriate" topics, although subsequent

readings of other material have been permitted. A play by Rendra with substantial political undertones was permitted to be staged in 1986 in Jakarta and drew record audiences despite the high ticket price.

The general lack of specific, clear guidelines on what is permissible has generated a significant degree of self-censorship both in public speaking and in the press. School faculties sometimes refrain from producing materials, including dissertations, which they believe might provoke government displeasure. Publishers also are unwilling to accept manuscripts dealing with controversial issues. Foreign books critical of the Government or dealing with sensitive topics, such as human rights, similarly are avoided by importers. Foreign periodicals, readily available in Indonesia, are scrupulously censored by their private importers in order to avoid government confiscation of the materials. With few exceptions this self-censorship is thorough and effectively responds to government concerns.

The press is largely privately owned. While espousing a "free" press, the Government expects the media to be "responsible" by supporting national economic development goals and domestic stability. While journalists and publishers practice considerable self-censorship, the Government closely monitors the media for material it finds unacceptable. In such instances, editors or journalists routinely receive oral instructions from government officials about news which cannot be reported. Articles and editorials do address sensitive issues, however, and within the vaguely defined limitations, journalists sometimes have surprisingly wide latitude.

There are nonetheless very real limits. In October 1986, the Government closed down the major Jakarta daily, Sinar Harapan, for printing a government working paper proposing economic changes. Subsequent to the closing of Sinar, three other newspapers received written government warnings and two received oral warnings to avoid printing "speculative" articles which could "create uncertainty and confusion among the public." In November the Government banned three issues of the Asian Wall Street Journal which featured exposes of the Soeharto family's business dealings.

Earlier in the year, in response to articles in the Australian press about Soeharto family and associates' government-favored businesses, the Government banned Australian journalists from the country and deported two who had come as part of the White House press corps for President Reagan's visit to Bali. A regional New York Times correspondent also was not permitted to remain in the country at the same time. Later in the year the Government permitted her to reenter. Two resident American correspondents for the Far Eastern Economic Review were required to leave during the year, apparently because of government dissatisfaction with their reporting.

The Attorney General banned several books, both foreign and Indonesian. There is a single government-operated television network. Private radio stations, of which there are more than 400 throughout the country, are restricted to using government-provided news programs.

b. Freedom of Peaceful Assembly and Association

Regional and national meetings of virtually all organizations must have government permission, and local jurisdictions often

require prior approval for smaller gatherings as well. While such approval is usually granted, local authorities can and do withhold permission. Student gatherings are frequently the target of such disapprovals. There are restrictions on meetings in East Timor, where the Government authorizes public assembly for social and ceremonial events and, as long as there is no perceived security risk, for political parties.

In mid-1985 the Parliament passed a "Social Organizations" law (known as the "ORMAS Law") which requires all organizations, including religious orders and associations, to accept the state ideology of Pancasila as their sole principle. The law empowers the Government, with the approval of the Supreme Court, to disband any organization it believes to be acting against the tenets of Pancasila. The Government took no such actions in 1986. In addition, government approval is required before any organization can accept funding from foreign donors.

Indonesian workers are organized in a single national body, the SPSI. It has a total membership of some 3 million out of a work force of 65 million, in which some 15 million persons are employed in the industrialized sector. The SPSI is the only trade union body legally permitted in Indonesia, and all organized workers must belong to it. The Government established this organization in 1985 as a replacement for the preceding quasi-independent national labor federation FBSI. Political activity by the SPSI is forbidden. It is not permitted to organize civil servants or workers in government-owned enterprises nor in major sectors of the economy declared by the Government to be vital, such as air transportation and oil. However, some professional organizations, such as those for teachers, do act as unions in some respects. Although Indonesia is a party to a number of International Labor Organization (ILO) conventions on the right to organize and bargain collectively and on forced labor, government officials have made clear that Indonesia's obligations under these conventions will not be allowed to interfere with "Pancasila" labor relations.

Restrictions on the SPSI's autonomy include the imposition of government appointees in many of it positions, a requirement that its senior officials be active members of the government-sponsored GOLKAR (see Section 3), and extensive government intervention in labor-management relations. The law requires government permission for strikes, which as a matter of practice is never given.

c. Freedom of Religion

The constitutional guarantees of religious freedom apply only to those religions recognized by the state--Islam, Christianity, Buddhism, and Hinduism. Although the Indonesian population is overwhelmingly Muslim, practice and teaching of the other recognized faiths are permitted. A plethora of mystical and other "folk religions" and sects also exists; a number of these have been banned, affecting perhaps 20,000 adherents, while others are actually encouraged by government leaders. While it appears that the Government tolerates private practice of banned religions, adherents of these groups are occasionally harassed by local authorities. The legal requirement to accept Pancasila as governing ideology extends to all religious, as well as secular, organizations. A 1972 letter of the Supreme Prosecutor reiterated a Presidential Decree of 1962 banning membership in Jehovah's Witnesses and

the Baha'i faith. Although technically belief in one of these faiths is not prohibited, legal decisions based on the 1972 and the 1962 decrees made clear that such belief implies membership, which is illegal. Baha'is from time to time are harassed or discriminated against by authorities for their religious beliefs and several have been strongly pressured to convert to Islam. Because the first tenet of Pancasila specifies belief in a Supreme Being, atheism is forbidden. Some animists in remote parts of Indonesia have reportedly been pressured to convert to Islam or Christianity in order to fulfill the requirement of belief in a Supreme Being. There are no legal bars to religious conversion, and conversions between faiths do occur. However, proselytizing in heavily Islamic areas is seen as potentially disruptive and is discouraged. For this reason, restrictions on the activities of foreign missionaries, such as difficulty in obtaining or renewing visas or residence permits, are periodically imposed in such areas. In other areas, missionary activities are relatively unimpeded and in fact are welcomed in remoter districts, where government resources in fields such as education and health are insufficient.

Official holidays include Christian, Hindu, and Buddhist, as well as Muslim holy days. Indonesian Muslims, Christians, and Buddhists maintain active links with coreligionists inside and outside Indonesia. Travel to religious gatherings is permitted. Hajj trips to Mecca are available only through government-organized and priced tours. A set number of pilgrims is permitted to make the hajj annually.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Although movement within Indonesia generally is unimpeded, restrictions do exist. The Government requires permits to change residence in certain areas, primarily to control the further shift of population from rural to urban locations. Since 1958-59, noncitizen ethnic Chinese have been denied the right to live in rural areas of Java. There are restrictions on movement to and within East Timor and within parts of Irian Jaya. A majority of rural East Timorese living in the central and eastern parts of the province have been resettled in government-provided housing since 1979 to isolate them from Fretilin rebels and to facilitate their access to health, education and other government services. Former political detainees associated with the abortive 1965 coup attempt are required to notify authorities of travel away from their homes. Members or alleged supporters of the PKI outside Indonesia have not been allowed to return except on a case-by-case basis. The Government has tried to keep track of all of the 2.5 million former members of the PKI and some 20 million members of its front groups. However, government statements indicate that it has lost track of several million of them (including fairly senior members).

The Government periodically restricts foreign travel of domestic critics and others in disfavor with it. Some 5,000 Indonesians currently are not permitted to leave the country, and this number includes critics of the Government, those arrested in the student riots of 1974, and others. However, other critics of the Government are free to travel abroad, and a person banned at one time may be permitted to travel subsequently. Students do not need government permission to go abroad to study. A Rp. 250,000 (US $150) departure tax, while instituted as a means to restrict travel abroad and thereby

save foreign exchange, has by itself the effect of limiting freedom of foreign travel.

The Government continued with preparations to move several thousand "illegal immigrants" to the Island of Sumba. None has been moved to date. Most of these are understood to be Chinese who left Indonesia for China in the 1950's and 1960's. They subsequently returned to Indonesia but are considered by the Indonesian Government to have reentered illegally.

Under its humane refugee policy, Indonesia has given first asylum to over 100,000 Indochinese refugees since 1975. The Indochinese refugee population stood at 4,400 at the end of 1986. In cooperation with the U.N. High Commissioner for Refugees (UNHCR), the Government also provided one of the region's three refugee processing centers, where Indochinese refugees who landed in Indonesia received training to prepare them for permanent residence in other countries. In view of decreasing need, the training center was closed by UNHCR in October.

In 1986 perhaps over 700 residents of Irian Jaya crossed into territory of Papua New Guinea, joining Irianese already in refugee camps in that country. Virtually all primitive tribal people, they reportedly fled their homes in response to rebel warnings, fears of Indonesian government and OPM clashes or other disturbances in their home areas. OPM allegations of Indonesian military reprisals against border crossers apparently discouraged most from returning to their homes. Foreign Minister Mochtar, however, reported some 5,000 border crossers have returned to Irian Jaya since 1984, and the Indonesian Government has given the Government of Papua New Guinea their names. (See Papua New Guinea report for additional details.)

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Government's authority is largely concentrated in the hands of a small group of active-duty and retired military officers and civilian technocrats led by President Soeharto. This system ensures the continued preeminence of the military in all fields of governmental activity. The Parliament, political parties, and the general public have little ability to influence government decisions. However, particularly in budgetary matters, including military procurement, civilian technocrats exercise decisive influence, and government ministers are obliged to defend their departments' budgets and programs before parliamentary committees, the proceedings of which receive good press coverage.

Elections for Parliament, held every 5 years, are scheduled for April 23, 1987. All adult citizens, except active-duty members of the armed forces and convicted criminals serving prison sentences, are eligible to vote. In mid-1985 the Government announced that thousands of persons implicated in the 1965 PKI-inspired coup attempt or accused of sympathies or affiliation with the PKI or associated organizations may be permitted to vote for the first time under the New Order Government. To do so, however, they were required to pass a stringent government review of current and past activities to ensure no lingering PKI taint. There has been no announcement of how many will be cleared to vote.

INDONESIA

In national elections, voters cast ballots for party lists of candidates for national, district, and local assemblies. While voting is not mandatory, there are strong social pressures to participate. Protest votes take the form of blank or deliberately spoiled ballots.

Currently, the military is represented in Parliament by 75 appointed members, who join the 360 elected members and 25 other appointed ones for a total of 460. In accordance with the 1985 law, in the 1987 election 400 members of Parliament will be elected; there will be 100 appointees, all from the military. The President is elected by the People's Consultative Assembly (MPR), which consists of Parliament plus an equal number of members appointed by the President and regional governments. The MPR meets after the general election to promulgate a political program for the coming 5 years and to elect the President and Vice President. Its next meeting is set for March 1988.

Parliament considers laws presented to it by government departments and agencies but does not draft laws on its own. The Government seeks to resolve any potential parliamentary concerns before the bills are officially presented. Parliament can and does change the text and occasionally intent of bills it reviews. Bills of major significance, however, are often passed with little or no alteration. Usually Parliament works on the basis of consensus, not majority voting, to resolve any differing views during committee consideration of a bill.

A 1975 law limits the number of political parties to three. One of these is made up of four former Muslim political parties and another of former nationalist and Christian parties. Members in these two parties occasionally reflect their earlier party affiliations, thereby exacerbating factional splits in their new parties. Party leaders are approved or named by the Government, and party activities are closely scrutinized and often guided by government authorities. These factors weaken the parties' election prospects and diminish their ability to represent effectively their constituents' concerns to the Government. The third, GOLKAR, is a longstanding, government-sponsored organization of functional groups which serves a role similar to that of a political party. In the three national elections since 1971, GOLKAR has won with more than 60 percent of the vote each time. Civil servants and their families are expected to vote for GOLKAR. Districts which support non-GOLKAR candidates may find government resources devoted to development projects in the area reduced. The two parties and GOLKAR are prohibited from organizing and operating officially below the district level except during election campaigns. Critics contend this system gives GOLKAR an advantage, since its civil service members have constant access to small towns and villages because of their official duties. All candidates for election to Parliament must pass a Government security check before their names appear on ballots.

The PKI, the former Socialist Party (PSI), and a formerly powerful Muslim party, MASYUMI, linked with separatist rebellions in the late 1950's are specifically banned. With rare exceptions, members of the first and many leaders of the last are not allowed to run for office or to be active politically.

INDONESIA

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government considers outside investigations of alleged human rights violations to be interference in its internal affairs. Amnesty International representatives, for example, have been refused access to Indonesia (and East Timor, in particular) because of their organization's continued criticism of the Government and the Government's belief it is biased. Similarly Asia Watch and other international human rights groups have been denied permission to visit. There is no local chapter of Amnesty International, although individual citizens may have memberships. The Government is hostile toward citizens who maintain close ties with foreign human rights organizations and reportedly has arrested at least one person who allegedly passed human rights-related information to such an organization. He was later released. Local human rights activists complain that the Government uses harassment, press censorship, financial controls, and other forms of intimidation to suppress meaningful human rights activities.

Under an agreement the Government concluded with the ICRC in 1985, the ICRC continues to conduct regular visits to persons jailed in connection with events in East Timor; to provide medical and food aid to detainees on Atauro Island as well as to assess the situation of those persons returned to the main island after having been held on Atauro; to carry out medical-nutritional surveys in vulnerable villages in East Timor; and to reunite divided families in East Timor and abroad (mainly Portugal). In addition, the ICRC is permitted to visit prisoners convicted of participation in the 1965 PKI-backed attempted coup.

The Government was critical of Amnesty International's 1986 report on what Amnesty International termed Muslim "political prisoners" and denied that these prisoners were being treated cruelly or inhumanely. The Government normally does not respond to specific allegations from foreign organizations or to public queries on human rights-related cases.

A number of domestic organizations are concerned with human rights. The Department of Justice has an agency charged with drafting legal codes to replace colonial laws still in effect. This agency also has responsibility for the establishment of legal documentation facilities and for programs to inform citizens of their legal rights. In addition, several state university law departments and private groups associated with mosques and churches are involved in providing legal counseling services.

There are private legal aid organizations which help in a wide variety of legal cases, including those accused of subversion or related activities, by defending or representing aggrieved parties in court and by stimulating press attention and discussion. These private legal aid organizations have established offices in many larger Indonesian cities. They are dependent on donations, many of which come from foreign private or government donors, for which Government approval is required and sometimes refused. Human rights activists in Indonesia contend that the ORMAS Law passed in mid-1985 is a direct attempt by the Government to monitor and influence human rights activity in the country.

INDONESIA

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Indonesian women generally enjoy a high degree of economic and social freedom, and there is significant cultural latitude for women's participation in public life. The status of women is much higher in the middle and upper classes than in any rural or working-class group. Women occupy important mid-level positions in the civil service, educational institutions, labor unions, the military, the professions, and private business. The Cabinet named in 1983 includes two women: The Minister of State for Women's Affairs and the Minister for Social Affairs. Although legislation guarantees women equal treatment, women seldom receive equal pay for equal work. In addition to a government-sponsored women's organization in which membership and participation are mandatory, there are several voluntary, private groups which work to advance women's legal, economic, and political rights. Chief among these is KOWANI (Congress of Indonesian Women), an umbrella organization for some 55 women's groups.

Ethnic Chinese are pressured to take Indonesian names. While they are also encouraged to become citizens, some Chinese find legal avenues to citizenship blocked or are discouraged by the time-consuming and expensive task of obtaining citizenship documents. Chinese who have been unable to obtain Indonesian citizenship, although perhaps born in Indonesia, can lose their right to residence should they be abroad for a period of more than 3 months. Government regulations prohibit the operation of all-Chinese schools and institutions of higher learning, teaching in Chinese languages, the formation of exclusively Chinese cultural groups or trade associations, and the use of Chinese characters on signboards or in publications. However, social and religious groups which are, in effect, all-Chinese are not proscribed and do exist.

CONDITIONS OF LABOR

Employment of children under age 14 is forbidden by the basic labor law of 1948. The law also established an 8-hour day, 48-hour week, 1 rest day per week, and a definite vacation period. An extensive body of labor law and ministerial regulations provide for minimum standards of industrial health and safety. In practice, these statutes are rarely observed. Indonesian law provides that the Department of Manpower Office in each region shall, at regular intervals, establish a minimum wage for its particular region. A new minimum wage for Jakarta, for example, was established in November 1985 at $1.18 per day. The range of regional minimum wages is from a high of $1.18 per day in some areas to a low of 50 cents per day in others. The Department of Manpower and the Central Statistical Office also report for each region a minimum physical needs figure.

Wages of many workers in the modern sector exceed minimum wage figures, and the Government and labor unions are working seriously to raise minimum wages to meet minimum physical needs' figures. Observance of the minimum wage regulations varies from sector to sector and region to region. Reliable figures on the total compliance situation do not exist.

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U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: INDONESIA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	116.2	114.4	65.9
LOANS.....	90.8	72.7	28.8
GRANTS.....	25.4	41.7	37.1
A.AID	74.7	72.0	65.9
LOANS.....	54.8	36.7	28.8
GRANTS.....	19.9	35.3	37.1
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	41.5	42.4	0.0
LOANS.....	36.0	36.0	0.0
GRANTS.....	5.5	6.4	0.0
TITLE I-TOTAL.....	36.0	36.0	0.0
REPAY. IN $-LOANS.....	36.0	36.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	5.5	6.4	0.0
E.RELIEF.EC.DEV & MFP.	1.2	0.0	0.0
VOL.RELIEF AGENCY.....	4.3	6.4	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	47.4	34.3	21.0
LOANS.....	45.0	32.5	19.1
GRANTS.....	2.4	1.8	1.9
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	45.0	32.5	19.1
C.INTL MIL.ED.TRNG....	2.4	1.8	1.9
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	163.6	148.7	86.9
LOANS.....	135.8	105.2	47.9
GRANTS.....	27.8	43.5	39.0
OTHER US LOANS.....	162.5	23.6	0.0
EX-IM BANK LOANS.....	162.5	23.6	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	1572.4	1440.7	1611.3	13991.5
IBRD	1033.4	972.7	1132.3	9138.4
IFC	7.1	1.2	9.8	178.1
IDA	0.0	0.0	0.0	931.4
IDB	0.0	0.0	0.0	0.0
ADB	523.0	414.5	469.2	3477.7
AFDB	0.0	0.0	0.0	0.0
UNDP	5.9	7.9	0.0	126.0
OTHER-UN	0.0	44.4	0.0	139.9
EEC	0.0	0.0	0.0	0.0

JAPAN

Japan is a parliamentary democracy in which democratic institutions are firmly established. Its industrial free market economy is the second largest in the world in terms of gross national product. Japan's culture incorporates many elements from the West while retaining strong Eastern roots. Buddhist, Shinto, and Confucian traditions continue to have a basic and pervasive influence on thought and social institutions, but several minor religions also flourish. Less than 1 percent of the population is Christian. Although the Japanese are receptive to foreign ideas, the citizens of this densely populated nation have a cultural, ethnic, and racial homogeneity which makes them less willing to integrate alien residents in Japan into their society. While the legal system has gradually evolved toward granting equality of opportunity to minorities, there has been little change in the social prejudice against Koreans, around 680,000 of whom are first, second, and third generation permanent residents, in addition to the approximately 120,000 naturalized Japanese nationals of Korean ancestry. An estimated 1.2 million descendants of persons historically considered to be outcasts ("Burakumin") also suffer social but not legal discrimination. Additionally, there are reportedly over 24,000 descendants of Ainu, Japan's indigenous people, now concentrated in Hokkaido, who also claim social discrimination against them.

The Japanese Constitution states, "All of the people are equal under the law and there shall be no discrimination in political, economic, or social relations because of race, creed, sex, social status, or family origin." The human rights guaranteed by the Constitution are secured by a just and efficient legal system. Political liberties are guaranteed to all nationals, and nearly 70 percent of the electorate usually vote in general elections, which involve candidates from six freely-functioning political parties. The right of workers to organize, bargain, and act collectively is guaranteed by the Constitution.

The Equal Employment Opportunity Law, prohibiting discrimination in the workplace based on sex, took effect April 1, 1986, but has yet to have a significant impact on the employment practices of Japanese corporations.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no cases of murder for political motives on the part of the Government. In August there was an early morning attack by ultraleftist radicals connected with one union on leaders of rival unions, one of whom was killed. This attack, however, appears to have been related to an internal power struggle among these railway workers unions, and not a part of a larger campaign of political violence or intimidation.

b. Disappearance

There were no cases in which people were abducted, secretly arrested, held in clandestine detention, or held as hostage by security forces or any other organization.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Freedom from torture, and cruel, inhuman, or degrading treatment or punishment is guaranteed by the Constitution and respected in practice. There is no evidence that penal treatment varies by social class, sex, or religion.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest or imprisonment is guaranteed by the Constitution and respected in practice. Japanese law provides for judicial determination of the legality of detention. People cannot be detained without charge, and prosecuting authorities must be prepared to demonstrate before trial that probable cause exists to detain the accused. The length of time before a suspect is brought to trial depends on the nature of the crime, but rarely exceeds 2 months; the average is 1 to 2 months. Preventive detention does not exist.

The key statute protecting workers, the Labor Standards Law of 1947, prohibits the use of forced labor, and there are no known cases of forced or compulsory labor.

e. Denial of Fair Public Trial

The Constitution guarantees the right to a speedy and public trial by an impartial tribunal in all criminal cases, and this right is respected in practice. The defendant is informed of charges upon arrest and guaranteed a public trial by an independent civilian court with defense counsel and the right to cross-examination. The Constitution guarantees defendants free and private access to counsel, although this right may be abridged in practice, as well as the right not to be compelled to testify against themselves. Defendants are also protected from the application of ex post facto laws and have the right of access to incriminating evidence after a formal indictment has been made and generally before trial. Judges are appointed by the Cabinet for permanent terms but face periodic review through popular referendum. A defendant who is dissatisfied with the decision of a trial court of first instance may, within the period prescribed by law, appeal to a higher court. There is no trial by jury in Japan.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under the Constitution, each search or seizure must be made upon separate warrant issued by a judicial officer. Japanese authorities have been scrupulous in observing the legal requirements for warrants. The standards for issuing such warrants exist to guard against arbitrary searches. There are no reports that the Government or any other organization has arbitrarily interfered with privacy, family, home, or correspondence.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Japanese Constitution, an independent press and judiciary, and a functioning democratic political system combine to ensure freedom of speech and press.

b. Freedom of Peaceful Assembly and Association.

These freedoms are guaranteed by the Constitution and respected in practice.

The Constitution guarantees unions the right to organize, bargain, and act collectively. Japanese law also allows them to lobby and to make political campaign contributions. Unions actively engage in all of these. They are involved also in international bodies and bilateral exchanges. Slightly under 30 percent of the active work force belong to labor unions. Public employees do not have the right to strike but do have recourse to mediation and arbitration in order to resolve disputes. Members of the armed forces, police officers, and firefighters are not permitted to organize. In exchange for a ban on their right to strike, government employees' pay raises are determined by the Government based on a recommendation by the independent National Personnel Authority (NPA). Citing tight finances, however, the Government in 1986, as in previous years, has not fully implemented the NPA recommendations for wage increases.

In response to this, the General Council of Trade Unions of Japan (SOHYO) again has filed a complaint with the International Labor Organization (ILO). The ILO Committee on Freedom of Association has urged Japan to respect the NPA recommendations and also has asked that Japan establish new procedures for deciding wages and working conditions for government employees.

c. Freedom of Religion

Freedom of religion is guaranteed by the Constitution and respected in practice. While Buddhism and Shintoism remain the two major religions, there are many others, including several Christian denominations. Missionaries are welcome and receive special visa status. Some temples and shrines, as treasured national properties, receive public support for maintenance.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.

Japanese citizens have the right to travel freely, both within Japan and abroad, to change their place of residence, to emigrate, and to repatriate voluntarily. Nationality is never revoked.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

As a parliamentary democracy, Japan is ruled by the political party or parties able to form a majority in the lower house of its bicameral Diet. The Liberal Democratic Party, which has been in power continuously since 1955, won a substantial parliamentary majority in the July 1986 national elections. Five opposition parties are active. All adult citizens have the right to vote by secret ballot. Political interest groups can organize and engage in nonviolent political activity regardless of political beliefs. Well-organized labor unions ensure participation by workers in the political process.

JAPAN

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Various groups have petitioned the office of the United Nations Commission for Human Rights (UNHRC) to take up allegations of discrimination against Koreans in Japan and of maltreatment of mental patients. The Government responded to the complaints, and the UNHRC decided not to take up these matters for further discussion or investigation. The adequacy of the mental health system has been criticized by the International Commission of Jurists (ICJ), and the Government has taken some steps to improve mental health institutions.

Through its membership in the UNHRC, the Government works for improvement of human rights practices in other countries. There is a Human Rights and Refugee Division in the Ministry of Foreign Affairs to give long-range attention to these matters.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There are some 23.6 million women workers in Japan, comprising 39.7 percent of the employed population. Discrimination by private employers against women is prohibited by the Constitution and by legislative measures adopted over the past 30 years to accord women the same legal status as men. In April 1986, an equal employment opportunity law came into effect. This law is intended to eliminate sex discrimination in such areas as recruitment and hiring, pay inequality, and the amount of night or overtime hours that can be worked. However, the law has been criticized as containing no concrete measures, such as penalties for violators, to ensure equality for women workers. In any case, it appears that passage of this legislation will not change the prevailing social attitudes which discourage women from assuming positions of managerial responsibility. It is true that most women workers (86 percent according to one authoritative survey made in 1985) have no interest in management positions and still prefer marriage and motherhood to careers. But those who do wish to pursue careers find many obstacles remaining in their way and are unlikely to advance as quickly as their male counterparts. Significant disparities remain between the salaries of men and women workers.

As a homogeneous nation with a long tradition of isolation from other cultures, Japanese society is not willing to integrate alien residents despite its general receptivity to foreign ideas. Entrenched social prejudice against both Korean residents (most of whom were born, raised, and educated in Japan) and members of the "Burakumin" community (descendants of feudal era "outcasts" who practiced so-called "unclean" professions such as hide tanning) restricts the access of both groups to private housing, employment, and marriage opportunities.

In recent years the Government has enacted several laws and regulations extending to permanent resident aliens, 82 percent of whom are Koreans, the benefits of equal access to public housing and loans, social security pensions for those who otherwise qualify, and certain public employment rights. The Foreign Ministry now pronounces Korean names according to the Korean rather than the Japanese reading of name characters.

Rectifying another issue of concern to resident Koreans, the Government recently announced it intends to revise the fingerprinting provisions of the Alien Registration Law, dropping the requirement that foreign residents be fingerprinted every 5 years and substituting a one-time only requirement. The Government also has extended until 1987 a Special Measures Law (first issued in 1969) designed to help assimilate Burakumin into mainstream society through a number of social, economic, and legal programs.

According to law, aliens with 5 years' continuous residence are eligible for naturalization and the simultaneous acquisition of citizenship rights, including the right to vote. In fact, however, relatively few eligible aliens have been naturalized. Naturalization is a difficult and complicated process requiring "proof of assimilation into the Japanese culture," and many Korean residents are unwilling to seek naturalization on the grounds that their cultural identity would be erased by the requirements. Korean human rights activists have urged Japan to restore unconditionally the citizenship which Korean residents of Japan had previously but which was revoked after World War II.

CONDITIONS OF LABOR

The Labor Standards Law of 1947 provides for an 8-hour day, a 48-hour week, and an overtime rate of time and a quarter. Workers under the age of 18 may not be employed in dangerous or harmful work, and minors under 15 years of age may not be employed as workers. A system fixing minimum wages on industry and regional bases was introduced by the Minimum Wages Law of 1959. The Ministry of Labor administers various laws and regulations governing occupational health and safety. principal among which is the Industrial Safety and Health Law of 1972.

KIRIBATI

Kiribati's 33 islands, scattered across an enormous area of the central Pacific, total only about 750 square kilometers and are populated by only 63,000 people (July 1986). Most of the people are a Micronesian and Polynesian mixture. Kiribati gained full independence from the United Kingdom in 1979 and became a republic within the Commonwealth of Nations. It has a nationally elected president and a 35-member legislative assembly which is elected by universal suffrage. The economy is very small; a majority of the people being engaged in subsistence activities. Isolation and meager resources, including poor soil and limited arable land, severely limit prospects for economic development. Fishing is viewed as one of Kiribati's few economic hopes. There were no important human rights issues in 1986.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no politically motivated killings by the Government or by opposition political parties.

b. Disappearance

There were no disappearances, nor was there any evidence of people being abducted, secretly arrested, or clandestinely detained.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and inhuman or degrading punishment or other such treatment are forbidden by the Constitution, and there were no reported instances of such practices

d. Arbitrary Arrest, Detention, or Exile

The Constitution contains safeguards against arbitrary arrest and detention. Forced labor is prohibited. There is no exile, internal or external.

e. Denial of Fair Public Trial

The right to a fair public trial is guaranteed by law and observed in practice. The Constitution provides that an accused person be informed of the nature of the offense with which he is charged and be provided adequate time and facilities to prepare his defense. The right to confront witnesses, present evidence, and appeal convictions is enshrined in law. The judiciary is independent of government interference. There are no "special" courts. Kiribati has no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The privacy of the home is protected in law and respected by the Government. There is no arbitrary intrusion by the state or political organizations into the private life of the individual.

KIRIBATI

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press are guaranteed by the Constitution and observed in practice. Kiribati's radio station and sole newspaper are government owned. There are also newsletters and other periodicals published by churches in Kiribati. Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

Kiribati's Constitution guarantees freedom of assembly and association, including the right of a person to form or belong to associations for the advancement or protection of his interests. There are no significant restrictions. Kiribati has a relatively strong and effective trade union movement. In 1982 the 7 trade unions registered in Kiribati merged to form the Kiribati Trade Union Congress (KTUC). It has approximately 2,500 members, most of them drawn from the public service. The KTUC is affiliated with the International Confederation of Free Trade Unions and is involved in an ongoing trade union education program under the auspices of the International Labor Organization (ILO).

c. Freedom of Religion

Complete freedom of religion prevails in Kiribati. There is no state or preferred religion. Missionaries are free to seek converts and actively do so.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Kiribati citizens are free to travel within the country and abroad. There are no restrictions on repatriation. Kiribati has no displaced persons.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Government of Kiribati is chosen by the people in free and open elections. Although in 1985 a loosely knit political party coalesced around opposition to the Government on a single issue, Kiribati has no formalized party system. The "government" faction in Parliament generally has consisted of those representatives chosen by the President for cabinet posts. Members of both the "government" and "opposition" factions may oppose the President, depending upon the issue under consideration.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There have been no reported allegations of human rights violations by the Government of Kiribati nor any known requests for investigations. There are no local nongovernmental organizations which concern themselves with human rights. The Government has not taken an active interest in international affairs, including international human rights matters. Kiribati is not a member of the United Nations.

KIRIBATI

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, creed, or national origin. There were no reports of discrimination in the provision of social services by the Government. Education is free and compulsory through the first six grades.

CONDITIONS OF LABOR

Kiribati law prohibits the employment of children under age 14. Children age 15 are prohibited from industrial employment and employment aboard ships. Males under age 16 may not be employed in mines. Males under age 18 are prohibited from employment at night; and may not work in or aboard ships unless suitably trained and certified medically fit. Females may not work at night except under specified circumstances (generally in service jobs such as hotel clerks). Women are provided up to 12 weeks of maternity leave and are entitled to not less than 25 percent of their regular salaries during such leave. Nursing women are allowed one-half hour twice a day during working hours to nurse a child.

Employment laws also provide basic health and safety standards for the workplace. Employers must, for example, provide an adequate supply of clean water for their workers and must ensure the existence of sanitary toilet facilities. Employers are liable for expenses of workers injured on the job. Although legislation authorizing the Government to set minimum wages exists, it has not been implemented yet. An expert, funded by the ILO, is presently preparing a study for the Government on procedures for establishing minimum wages.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA*

The Democratic People's Republic of Korea, formed in 1948 during the Soviet administration of the northern half of the Korean peninsula, is a rigid Communist dictatorship maintained by the ruling Korean Workers' (Communist) Party (KWP), with its overriding aim of imposing a social revolution and enforcing unanimous popular support for the country's governing system and its leader, Kim Il Sung. Individual rights are entirely subordinated to the KWP. Although there were pro forma elections to the Supreme People's Assembly in November, free elections do not exist since citizens have no choice among candidates.

The North Korean people are subject to rigid controls. The State establishes security ratings for each person, and these ratings determine access to jobs, schools, medical facilities, and stores as well as admission to the KWP, the route to the highest levels and privileges of the society. The party, government, and military elite enjoy significant economic privileges such as access to special stores and medical facilities, better housing, and better education, which are not available to ordinary citizens.

Persons who fail to conform to the rigid dictates of the State face imprisonment or, more often, enforced removal to remote villages. Surveillance by informers is prevalent. Punishment for "political crimes" against the State is severe. No outside information other than that approved and disseminated by the North Korean authorities is allowed to reach the general public, although senior government officials are somewhat better informed.

President Kim Il Sung's 13-year effort to groom his son, Kim Chong Il, as his successor is testimony to the enormous power the elder Kim has amassed during 38 years of rule. The younger Kim has been elevated to several senior party positions during the last few years. The absence of any evidence of public debate about the succession is also indicative of the lack of real popular participation in the political process.

North Korea has not been successful in producing through its command economy the desired economic development. It remains a less-developed country with a stagnant standard of living and a balance of payments problem that is steadily worsening.

Kim Il Sung's commitment to bring the entire Korean peninsula under his control has led to periodic attempts to destabilize the Republic of Korea. North Korea has engaged in talks with South Korea, but these recent talks were suspended by North Korea in January 1986 and prospects for their resumption are poor.

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*The United States does not have diplomatic relations with the Democratic People's Republic of Korea. Representatives of governments that do have relations with the DPRK, as well as journalists and other invited visitors to North Korea, are not permitted the freedom of movement that would enable them to assess effectively human rights conditions there. Most of this report, therefore, is a repeat of previous human rights reports based on information obtained over a period of time extending from well before 1986. While limited in scope and detail, the information is indicative of the human rights situation in North Korea today.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

There is no evidence to suggest that North Korea has improved its extremely poor performance in the human rights area. Both short- and long-term trends indicate continued one-family rule with scant respect for basic human rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Little information is available on politically motivated killing in North Korea. Several North Korean defectors report that certain political criminals have been executed publicly by firing squads. One such "criminal" who reportedly was executed by firing squad was a scientist who used a pejorative word in referring to Kim Il Sung. The North Korean attitude toward political killing also is clearly demonstrated by the November 23, 1984 shooting in the Joint Security Area of the Demilitarized Zone (DMZ) dividing North and South Korea. In that incident, North Korean security guards opened fire on a Soviet student trying to defect from a tour group, triggering an exchange of fire in which several lives on both sides were lost.

b. Disappearance

There is no information available on disappearance.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

According to the Freedom House 1985-86 Report, "torture is reportedly common" in North Korea. The accounts of torture and beatings of crew members of the USS Pueblo after their capture in 1968 are well-known and documented. Another reliable source on prison conditions and treatment of prisoners in North Korea is Venezuelan poet Ali Lameda, who was detained in North Korea from September 1967 through 1974, allegedly for attempted sabotage and espionage. While physical torture was not used on Mr. Lameda, he states that Korean prisoners were routinely beaten. Lameda notes that "beating was also used as a means of persuasion during interrogation."

Lameda reports the use of deprivation of food to force "confessions," as well as solitary confinement, continuous interrogation, enforced waking periods, poor or nonexistent medical treatment, and 12 hours of forced labor per day. In addition, prisoners were denied family visits, parcels, correspondence, writing materials, newspapers, and clothing changes. Prisoners were regarded as having no rights.

Much of what Lameda has reported has been corroborated by Choi Un-Wui and her husband Shin Sang-Ok (hereinafter referred to as the Shins), the famous Korean film producer and actress, who reportedly were kidnaped by the North Korean regime. Although Shin did not witness any beatings during his incarceration, he heard repeated stories of such treatment. Shin personally experienced many of the other forms of torture mentioned by Lameda, including denial of sleep, starvation rations, and solitary confinement, as well as being required to sit motionless for long periods of time.

d. Arbitrary Arrest, Detention, or Exile

Information on specific criminal justice procedures and practices in North Korea is extremely scarce. North Korea has refused to permit outside observation of its legal system and practices. The accounts provided by the crew members of the USS Pueblo, Lameda, and the Shins comprise virtually all the specific information available on the operation of the criminal justice system in North Korea.

North Korean law provides that prisoners may be held for interrogation for a period not to exceed 2 months. This period may be extended indefinitely, however, if the Interrogation Department obtains approval of the Chief Prosecutor. Lameda states that he was detained for 12 months without trial or charge. His request for a lawyer of his choice and an open trial was ridiculed as "bourgeois." Shin notes that it is very difficult for family members or other concerned individuals to obtain information regarding charges being leveled against an accused person or even where an accused person is being detained. Habeas corpus or its equivalent does not exist in law or in practice.

According to newspaper reports, North Korean defectors in South Korea estimated in April 1982 that at least 105,000 "ideological offenders" were being held in eight major labor camps in North Korea. The Shins believe this estimate to be understated and add that the plight of political prisoners has worsened over the last few years. As one example, the Shins state that 10 years ago political prisoners were allowed family visitors and gifts but now are allowed neither. The Shins further report that the families of political detainees are punished for the political beliefs of their relatives. It is not unusual, according to the Shins, for entire families to be banished to outlying rural regions. Amnesty International has received unconfirmed reports of arrests of those opposed to heir apparent Kim Chong Il.

There is no prohibition on the use of forced or compulsory labor. Military conscripts are routinely used for forced labor. According to the Shins, conscripts never know where they will serve or for how long.

e. Denial of Fair Public Trial

The North Korean Constitution states that courts are independent and that judicial proceedings are to be carried out in strict accordance with the law. All courts, however, are responsible to the people's assemblies, which effectively means government control of the judiciary. Article 138 states that "cases are heard in public, and the accused is guaranteed the right to defense; hearings may be closed to the public as stipulated by law." Lameda claims that he was denied a public trial, as does Shin. Lameda reports that after his first arrest he was imprisoned for a year without a hearing; after his second arrest, he was put through a closed session without benefit of counsel of his choice, or even knowledge of the charges. His tribunal was under the direction of the Ministry of Internal Security, with one person serving as both judge and prosecutor.

Lameda stated that at his trial he was refused the right to speak out, other than to admit guilt, or to defend himself. His "defense counsel" represented him by making a lengthy

speech praising Kim Il Sung and then requesting a 20-year sentence, which the tribunal imposed after 5 minutes of deliberation.

In a 1979 interview with American journalist John Wallach, North Korean Supreme Court Justice Li Chun Uk noted that the defense counsel's job is "to give the suspect due punishment." Open court appears to consist of an announcement of the term of imprisonment, which has already been determined by the Provincial Safety Bureau.

The Shins note a distinction between political and common criminals, asserting that only the latter are afforded trials. The DPRK equates "political criminals" with those who criticize the regime.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The populace is subjected to regular indoctrination, designed to shape individual consciousness. Preschool children are drilled in homage to Kim Il Sung and his family, while youths and adults are required to participate in daily ideological training conducted during school or at places of employment. Approximately half the school day is devoted to indoctrination. Neighborhood units have been organized to provide indoctrination for persons who neither work nor go to school. The daily indoctrination requires rote recitation of party maxims and policies and strives for ideological purity. Multiple North Korean security organizations enforce these controls.

According to reports in South Korean journals, Japanese wives of Koreans repatriated from Japan since 1959 have not been permitted to visit Japan and many have lost contact with their families because their letters are subject to strict censorship.

Although the Constitution states that "citizens are guaranteed the inviolability of person and residence and the privacy of correspondence," practice seems to be otherwise. Lameda reports that the privacy of his residence was not respected and that listening devices were used against him. He was arrested and his collected papers and poetry seized and destroyed without warrant.

According to the Shins, electronic surveillance of residences is pervasive and it is common practice for neighbors to report on one another. In school, children are encouraged to discuss what their parents have said at home. The Government conducts monthly "sanitation" inspections to check on household activities. Each house is required to have portraits of Kim Il Sung and Kim Chong Il, his son and expected successor.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution states that "citizens have the freedoms of speech, the press, assembly, association, and demonstration," such activities are permitted only in support of government objectives. Other articles of the Constitution that require citizens to follow the "Socialist norms of life"

and to obey a "collective spirit" take precedence over individual political or civil liberties.

Foreign media are excluded, domestic media censorship is enforced, and no deviation from the official government line is tolerated. Listening to foreign media broadcasts is prohibited except to high government officials, and violators reportedly are subject to severe punishment. Most urban households have a radio and some have television, but reception is limited to domestic programming. Artistic and academic works are controlled by the Government, and visitors report that a primary function of plays, movies, operas, and books is to contribute to the cult of personality surrounding "the great leader," Kim Il Sung, and "the beloved leader," Kim Chong Il.

The Shins, who made a number of movies at the behest of the DPRK leadership, state that movie producers have political advisers who ensure the ideological purity of the final product. Actors must undergo background investigations prior to obtaining a role. They also undergo constant indoctrination.

b. Freedom of Peaceful Assembly and Association

The Government has developed a pervasive system of informers throughout the society. No public meetings can be held without government authorization. There appear to be no organizations other than those created by the Government. Even apolitical groups such as neighborhood or alumni organizations are prohibited. Trade unions and professional associations appear to exist solely as another method of government control over their members. There are no effective rights to organize, bargain collectively, or strike.

c. Freedom of Religion

Although the Constitution provides that "citizens have religious liberty and the freedom of antireligious propaganda," North Korea, in fact, has severely persecuted Christians and Buddhists since the late 1940's. No churches have been rebuilt since the Korean War. The regime uses religious organizational facades to proclaim the practice of religious freedom but appears to have long since purged the original membership. Persons whose family or relatives once had a strong religious involvement are discriminated against. Numerous reports suggest that the Government does not currently persecute the very small number of Christians who continue to worship at home, although public worship is strictly prohibited. The Shins, however, have stated that the Government has been very successful in convincing various foreign church organizations that religion is tolerated.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Internal travel in North Korea is strictly controlled. A travel pass is required for any movement outside one's home village and is granted only for required official or certain personal travel. Personal travel is usually limited to attending the wedding or funeral of a close relative. Long delays in obtaining the necessary permit often result in denial of the right to travel even for these limited purposes. State control of internal travel is also ensured by a ration system that distributes coupons valid only in the region issued.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Reports, primarily from defectors, indicate that forced resettlement, particularly for those deemed politically unreliable, is common. Permission to reside in, or even enter, Pyongyang, the capital, is strictly controlled.

Foreign travel is limited to officials or trusted artists and performers. Emigration is not allowed, and few refugees or defectors succeed in fleeing the country. Retaliation is taken against the relatives of those few persons who manage to escape. According to Freedom House, "rights to travel internally and externally are perhaps the most restricted in the world: tourism is unknown--even to Communist countries."

In 1959 North Korea began actively encouraging Korean residents overseas to repatriate to "the Fatherland." Some observers estimate that during the next several years over 100,000 overseas Koreans, almost all from Japan, voluntarily repatriated to North Korea. Since then, however, reports of the harsh treatment given repatriates reached overseas Koreans, reducing the flow to North Korea to a trickle. Because of their "corruption" by exposure to foreign influences, after their return repatriates are isolated from North Korean society until they can be indoctrinated and their ideological reliability gauged.

North Korea has permitted entry to some overseas Korean residents to visit their relatives, and several have made repeat visits.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The political system in North Korea is dominated by Kim Il Sung, who leads the KWP and also heads the Government. Kim has groomed his son Kim Chong Il to succeed him, and there are reports that Kim Chong Il has been acquiring increasing power and influence. The legislature, the Supreme People's Assembly, has never taken any action other than unanimous passage of resolutions presented to it by the leadership. In an effort to create an appearance of democracy, North Korea has created several "minority parties." They exist only as rosters of officials who have token representation in the People's Assembly and completely support the government line.

Free elections do not exist in North Korea. Although elections to the Supreme People's Assembly were held in November 1986, and to city and county assemblies in March 1983, in all cases only one candidate in each electoral district was approved by the government party and, according to the government-controlled media, 100 percent of the voters turned out to elect 100 percent of the approved candidates. Such "elections" in reality are an exercise in which voters are required to participate and to approve the party's candidates.

Most citizens are completely excluded from any real participation in the political process. To achieve even a semblance of real participation, one must become a member of the KWP. The selection process for entrance to the party is long and rigorous. Persons from "bad social backgrounds," i.e., those who have relatives who fled south during the Korean War, those whose families had strong religious involvement or were once property owners or members of the middle class, and those who have relatives who are political

prisoners, effectively are denied entry into the party and are discriminated against. Most levels of the party have no voice, serving only to carry out the decrees and "on the spot guidance" promulgated by party leader Kim Il Sung and his top subordinates.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No organizations exist within North Korea to report on or observe human rights violations. North Korea does not participate in any international or regional human rights organizations.

Amnesty International has requested a visit to North Korea. The Government has not responded to or acknowledged this request. A December 1982 request by Amnesty International for information on North Korean laws, on use of the death penalty, and on reports of arrests and long-term imprisonment of political figures also received no reply.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution states that "women hold equal social status and rights with men." However, few women have reached high levels of the party or the Government. Women are represented proportionally in the labor force, and personnel in small factories are predominantly women.

The physically handicapped are discriminated against. Handicapped persons, other than war veterans, are reportedly not allowed within the city limits of Pyongyang. The dwarf community has been specifically singled out for harsh treatment and all have been banished to a remote, rural region.

North Korea is a homogeneous country and relatively devoid of minority groups.

CONDITIONS OF LABOR

There is no data available on minimum age for employment of children, minimum wages, or occupational safety and health. All jobs are assigned by the State and ideological purity, rather than professional competence, is the standard used in deciding who receives a particular job. Laborers have no input into management decisions and free labor unions do not exist. Absence from work without a doctor's certificate results in a reduction in a worker's rations. The Constitution stipulates that the workday is limited to 8 hours but several sources report that most laborers work 12-16 hour days. The extra hours are euphemistically referred to as "patriotic labor" done on a "voluntary" basis by the workers.

REPUBLIC OF KOREA

President Chun Doo Hwan dominates the political scene in the Republic of Korea. The elected legislature has limited power but considerable influence on public opinion. President Chun, a former army general, assumed power with military support in 1980, when martial law was declared and civil disturbances in Kwangju harshly confronted. The Constitution was adopted by referendum in October 1980 under strict martial law conditions, leading many Koreans to question the referendum's fairness. President Chun has promised to step down in early 1988, when his term of office ends, to provide for a peaceful and constitutional change of power.

Korea's sociopolitical tradition emphasizes order, conformity, and a subordinate role for women. These attitudes retain great strength, coexisting uneasily with Western democratic ideals. Citing this tradition and faced with a heavily armed Communist North Korea that invaded the South in 1950 and that remains committed to bringing the entire peninsula under its control, successive South Korean governments have given top priority to maintaining external and internal security. The successive regimes have implemented their policies in part by employing large, well-organized security forces. Many Koreans have charged throughout the years that the very real threat from the North has been used as a pretext to suppress internal opposition, despite the democratic ideals professed by all South Korean leaders.

Koreans enjoy considerable personal freedom, including economic and religious freedom, and broad rights to pursue private interests. Although the Constitution guarantees freedom of speech and press, in practice both are abridged.

During the past 20 years, Korea's export-oriented economy has achieved one of the world's highest growth rates and a twenty-fold increase in per capita gross national product. The population is urbanized and well educated. Abject poverty has been largely eliminated. The rapid growth of the economy has created a growing middle class with increasing access to education and wealth. The university student population has increased sharply over the past decade. Students have joined with other groups to become a strong voice for fuller political participation and greater freedom to express political views.

The issue of constitutional reform dominated Korean politics in 1986. In February the opposition launched a petition campaign in support of its demand that the Constitution be amended to provide for direct popular election of the next President. The Government initially declared the campaign illegal and sought to block it, placing some opposition leaders under house arrest. The Government subsequently moderated its position, but the opposition party continued to apply pressure by staging a series of large public rallies throughout the nation. In late spring President Chun responded by agreeing to negotiations between the political parties in the National Assembly to amend the Constitution. The government party proposed creating a parliamentary system of government while the main opposition party insists on a directly elected President. At the end of the year the debate remained stalemated with both sides seeking to bolster popular support for their positions.

The Government continued to take a hard line towards dissident, particularly student dissident, political activism

in 1986, citing increasing radicalism and violence. As the year progressed, student protest slogans became increasingly revolutionary and in some instances closely paralleled North Korean propaganda. Approximately 3,400 persons were jailed in connection with political activities, some of them violent. In December well over 1,000 persons remained in custody for politically related offenses. For the first time under the present Government, an opposition Assemblyman was indicted and jailed in connection with the distribution of the text of an Assembly speech the Government claimed violated the National Security Law in its criticism of the Government's unification and anti-Communist policies. In 1986 there continued to be numerous charges of police mistreatment of prisoners including credible allegations of torture in some cases.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were unconfirmed reports that the deaths of several persons said to be critical of the Government or engaged in opposition political activity may have been at the hands of the police or other government security agencies. In one case involving the death of a military reservist in police custody, there were charges that he died as a result of beatings by police or military officials after making remarks critical of the Government. The Minister of Home Affairs told the National Assembly that the reservist died of acute renal paralysis while in police custody on charges of violating the law on assembly and demonstrations. In the other cases, including the deaths of a university student and a worker, which the police announced were suicides, some opposition and human rights groups expressed suspicions of official culpability.

b. Disappearance

There were no reports of disappearances in 1986.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

In 1986 there continued to be credible reports of torture and cruel treatment. The Constitution prohibits torture, and the Government insists that it has issued and strictly enforces injunctions against it. In addition, in 1983 the National Assembly passed a law increasing sentences for those convicted of killing or injuring through torture.

Nonetheless, during 1986 there were plausible charges of serious prisoner mistreatment. In one such case, a female dissident, Ms. Kwon In Sook, claimed that she was sexually assaulted by a policeman during interrogation. The Government denied the sexual assault charges but dismissed the policeman from his post for improper and "excessive" conduct. Korean human rights groups and political opposition leaders also made plausible charges that a number of students, workers, and others in politically related cases were subjected to various degrees of physical maltreatment. These groups charged that some 15 labor activists were interrogated and tortured by the Korean Military Security Agency. Another group of dissidents charged with publishing seditious literature allegedly was

beaten by police. The Government denied these allegations. Yet another dissident activist, Kim Keun Tae, made credible charges that he had been severely tortured in 1985, but the Korean Supreme Court upheld his conviction on appeal and refused to "recognize" his claim that he had been unlawfully mistreated by police.

The use of excessive force by the police continues to be a pervasive and ingrained problem. Demonstrators have been beaten on apprehension, often by plainclothes police. On the other hand, riot police generally were well disciplined when confronting protesters who were themselves often extremely violent. Police acted professionally in 1986 when U.S. officials requested that officers physically remove students who had invaded a U.S. facility.

Charges of police beatings occur fairly frequently in nonpolitical cases and are sometimes reported in the press. For example, in late 1986 the media reported the acquittal of a murder suspect who claimed he had been tortured into making a false confession.

Conditions in Korean correctional institutions are austere, especially in winter because cells are unheated. Discipline is strict. Prisoners of whatever sort who break rules or protest conditions are sometimes beaten. Prisoners may receive visits only from their lawyers and immediate families. Their mail is monitored and at times censored. There does not seem to be a difference between the overall treatment of political and nonpolitical prisoners, but in 1986 reports of conflict between prisoners jailed for antigovernment activities and prison authorities increased. Opposition and prisoner family groups have claimed that prisoners had been beaten and subjected to other mistreatment because of their political views. The Government denied this and insisted that prison authorities were only exercising necessary minimal force to deal with prisoner defiance of authority.

d. Arbitrary Arrest, Detention, or Exile

Arrest warrants are required by law but sometimes are not produced at the time of arrest in politically related cases. In one case, a defendant charged with "praising North Korea" was acquitted on the grounds that his confession had been made while he was detained without an arrest warrant. In 1985 the Supreme Court ruled that police may not detain persons for more than 48 hours without warrants. An indictment is supposed to be issued within 30 days after arrest. Within 3 days after making an arrest, the police are supposed to notify an arrested person's family or lawyer of his detention and whereabouts. This requirement is not always observed, particularly in cases of detention by security agencies other than the National Police. For example, in the case of a group of labor activists who were interrogated and allegedly beaten by the Defense Security Command, there are credible reports that the suspects' families were not informed of the detentions for over a week. The Constitution also guarantees the right to prompt legal assistance and to a review of an arrest by a court.

Habeas corpus, not traditional in Korean law, was introduced after World War II, abolished in the 1970's, and reintroduced in 1980. It does not apply to those charged with violations of the National Security Law or laws governing crimes

punishable by at least 5 years' imprisonment. Most political offenses are, therefore, excluded. There is a system of bail, but it does not apply to offenses punishable by 10 or more years' imprisonment. In 1985 the Government adopted a new policy to compensate persons held for questioning who are subsequently found innocent by prosecutors, and the courts have started to apply this provision. In 1986 a Korean court awarded damages to a man who was injured when he refused a policeman's request that he "voluntarily" accompany the policeman to the police station for questioning. There was criticism from the press and legal groups of excessive numbers of false or unjustified arrests.

Dissidents who openly criticize the Government are sometimes picked up and detained for short periods and then released. In 1986 there were instances of dissidents returning from overseas trips being detained in such fashion, as were several journalists who had written politically sensitive articles.

From time to time the security services have not only detained persons accused of violation of laws on political dissent but have also increased surveillance of or put under various forms of house arrest those they think "intend to violate the law." Korea's Public Security Law permits measures including "protective surveillance," "residential restriction," and "preventive custody" of certain persons considered likely lawbreakers. Such restrictions were used against opposition political figures, including the leaders of the main opposition, the New Korea Democratic Party (NKDP), in early 1986 in an effort to stop the petition campaign for constitutional revision. During this period, opposition politician Kim Dae Jung was not permitted to leave his home for 12 days. Kim and others also were confined to their homes for briefer periods on numerous other occasions.

The Government also takes a sweeping approach to crime prevention in instances where its image is involved. Korean police investigated 263,564 suspected criminals in a 3-month drive to tighten security for the September Asian Games held in Seoul. Some 48,000 persons were formally charged, and more than 76,000 summarily sentenced to up to 29 days in jail. Most others were released.

In 1986 the Government continued to investigate dissident and student organizations and to make arrests for national security law violations for activities characterized as pro-Communist, pro-North Korea, or anti-State. Government critics claim that in many of these cases the National Security Law was misused to suppress domestic, particularly student, dissent. There were also charges that the Government was identifying student activists for immediate conscription into the armed forces. (Military service is required of all Korean males, but students normally are given deferments to complete their educations.) Other students picked up for participating in antigovernment demonstrations were required to complete "reorientation programs" before being released. Some 1,200 students underwent such programs in the first half of 1986. More than 900 were judged to have successfully completed the program and were released.

For persons deemed "socially dangerous," the law allows preventive detention under provisions of the Social Protection and Social Stability Laws. Under the Social Protection Law, a judicial panel may order preventive detention for a fixed term of 2 years, which can be extended by the panel for additional

2-year periods. The Social Stability Law allows for a preventive detention term of 7 to 10 years through administrative litigation. The Government maintains that these laws are aimed at chronic offenders and prisoners who are mentally ill.

There is a "preventive custody center" in the city of Chongju where prisoners judged to be insufficiently repentant are held following the completion of their original prison sentences. Soh Joon Shik, whose original 7-year sentence ran out in 1978, and Kang Jong-Kon, whose original 5-year sentence was completed in 1981, are two political prisoners believed to be held in Chongju. Although the Government has not released figures on the total number of persons under preventive detention, some human rights groups assert that as many as 380 prisoners are being held under Social Stability Law provisions.

There were no reports in 1985 of forced labor as defined by the International Labor Organization (ILO).

e. Denial of Fair Public Trial

The Constitution guarantees many rights to defendants: presumption of innocence, protection against self-incrimination, freedom from ex post facto laws and double jeopardy, the right to a speedy trial, and the right to legal counsel. These rights generally are observed. Trials, with some exceptions, must be held within 6 months of arrest. In Seoul, trials usually begin within a month after indictment, although in 1986 the large number of student protesters awaiting trial slowed the process somewhat.

The President appoints the members of the Supreme Court, whose Chief Justice in turn appoints lower-court judges. There is a three-tier system for criminal cases: district court, appellate (high) court, and the Supreme Court. The judiciary is considered independent in ordinary criminal and civil cases but much less so in politically sensitive cases. A new Chief Justice was appointed in 1986. Upon assuming his post, he emphasized his intention to strengthen the protection of human rights.

In several politically sensitive trials in 1986, public attendance was restricted. The defendants sometimes were removed from the courtroom for attempting to disrupt the proceedings. In other cases, the defendants attempted to boycott the trial proceedings, stating that they did not recognize the court's authority or impartiality. Judges generally allow great scope for examination of witnesses by both prosecution and defense, but they often deny defense requests to call witnesses to discuss the political or ideological leanings of the defendants, even when the prosecution has introduced evidence on such topics.

Trials usually are open to the public, but trial documents are not part of the public record. Charges against defendants in the courts are clearly stated. In lengthy and complex indictments, however, the relationship between specific acts alleged and violations of particular sections of the penal code is not always clearly drawn. In cases involving a mixture of political and criminal charges, this lack of clarity can bring into question the fairness of the proceedings. The same courts try political and ordinary criminal cases. Military courts do not try civilians.

Defendants have the right of appeal in felony cases, a right often exercised and frequently resulting in substantial reductions in sentences. Death sentences are automatically appealed, and the sentences often not carried out.

The list of political prisoners maintained by the Human Rights Committee of the National Council of Churches of Korea and the opposition New Korea Democratic Party (NKDP) included from 1,000 to nearly 3,000 names throughout 1986. It reached a high following the arrest of 1,287 participants in the violent seizure of buildings on a Seoul campus in October; 395 of these students were subsequently indicted and the rest released. In December the NKDP put the number of political prisoners in Korea at 1,843. This number included persons indicted, but not yet tried as well as those already convicted. The majority of these persons are students arrested since 1985, including some who advocated or used violence.

While continuing to deny that it holds any "political prisoners," the Government did make public several times during the year the number of persons being held in connection with the "political situation." In December, government prosecutors announced that 3,405 persons had been arrested in 1986 in connection with political activities, including campus demonstrations such as the seizure of buildings at Konkuk University in October. The total included 2,919 students, 919 workers, 146 "dissidents," and 240 "ordinary citizens." Prosecution sources said that as of mid-December, 1,480 persons, including students, remained under arrest, and police were searching for another 150 persons suspected of politically related offenses. The release of political prisoners was the subject of debate and negotiation in the National Assembly. According to the Government, 36 persons convicted of politically related offenses were released in a special clemency in August, and indictments against a number of others were suspended over the course of the year.

According to government statistics, most political offenders in 1986 were charged with violating the law on assembly and demonstrations in connection with protests ranging from peaceful participation in the opposition's petition drive for constitutional revision to engaging in violent activities, notably the serious civil disturbance in the city of Inchon in May and the prolonged occupation of Konkuk University buildings in October. Most were detained for acts of violence which, the arrestees argued, were politically motivated. Government statistics show that, as of October, 207 persons had been charged under or convicted of violating the National Security Law for activities considered pro-Communist or anti-State, including listening to North Korean radio broadcasts and publishing or distributing "subversive" literature. That number continued to rise through the end of the year as the Government stepped up its campaign against persons and groups it charged were violating the National Security Law which prohibits activities, including speech, deemed "supportive of North Korea."

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Many political and religious dissidents are subjected to surveillance by the security forces. During politically sensitive periods, this surveillance by one or more security agencies may increase, or a form of house arrest may be

imposed. Telephone tapping and opening or interception of correspondence is believed to be prevalent. Koreans who meet with foreigners, particularly with journalists and foreign diplomats, are sometimes questioned afterwards. Listening to North Korean radio broadcasts and reading or purveying books considered subversive, pro-Communist, or pro-North Korea are illegal. Several people were arrested and charged with violating the National Security Law for such offenses.

While the Constitution requires a warrant issued by a judge upon request of a prosecutor for search and seizure in a residence, the police at times force their way into private homes or offices without warrants. The police and security force presence in city centers and near university campuses is frequently heavy because of fear of antigovernment demonstrations. Citizens, particularly students, often are stopped, questioned, and searched. Traditional Korean police practice requires police commanders to be familiar with the personal and business affairs of all residents in their jurisdictions. This system is effective in crime control, and urban residents generally credit it with keeping their streets safe. But the large police presence near college campuses has the primary purpose of keeping track of political activities and has been a key complaint of students, including those who are not politically active.

In most other respects, the Government honors the right of personal privacy and the integrity of the home and family. Parental rights to educate children are broad. The State rarely seeks to intervene in such inherently personal decisions as marriage, choice of vocation, and formation of social and familial ties. Persons thought to have politically suspect backgrounds, however, are denied some forms of employment and advancement, particularly in government, press, and education. In 1986 the Ministry of Education revised its teacher qualification regulations to exclude from obtaining teaching positions those who have records of campus activism.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although freedom of speech and press is guaranteed by the Constitution, in practice the expression of opposition viewpoints is limited, sometimes severely. In 1980 the new Chun Government enacted a press law, merged broadcasting networks and newspapers, established a government-owned public television corporation, and prohibited the stationing of reporters by national newspapers in provincial cities.

Government critics say that statutes such as the basic Press Law, under which media organizations are licensed and permitted to operate, and criminal code provisions against the spreading of "rumors which eventually disturb peace and order" and "defiling the State" are used to muzzle and punish dissident views. Opposition political parties and several major Korean newspaper editorial writers have called for the repeal or reform of this basic Press Law. The domestic media also engage in "self-censorship," according to guidelines the Government regularly gives orally or in writing to editors. Journalists who object to or ignore these guidelines or who print critical stories on politically sensitive topics have been picked up for questioning and on occasion dismissed or sent out of the country.

In 1986 such instances included a newspaper cartoonist questioned by security investigators in connection with editorial cartoons deemed to be insulting to the State and the President. Several magazine writers were questioned and, in at least one case, dismissed for writing articles on such topics as the activities of the security agencies during the 1970's. On a number of occasions, articles objectionable to the Government were withdrawn from later editions and earlier editions confiscated.

Nonetheless, the general trend of greater outspokenness in newspapers and magazines continued in 1986, although television and radio broadcasting was still rigidly controlled. A number of opposition groups, including the NKDP, promoted a campaign to boycott the paying of television viewer fees on the grounds that the public network was not providing unbiased news coverage and was too commercialized. Some newspapers joined in the criticism of the public television corporation. There were also calls from political and religious activists for the restoration of the right of the Christian Broadcasting radio station to report other than religious news. The Government refused this demand and did not revoke the television viewer fee but promised to take into account complaints about the station's programing.

In late 1985 a screening committee was set up with the power to ban from sale literature deemed harmful to the public including "antisocial or antistate ideology-oriented" publications. In 1986 the authorities invoked the National Security Law a number of times against persons accused of producing, selling, or reading subversive or pro-Communist literature. On several occasions police searched bookstores, dissident offices, and campuses, seizing banned "leftist" books and dissident and student publications carrying material objectionable to the Government. Government authorities halted the publication of the NKDP's newspaper on at least two occasions in 1986.

Although National Assemblymen enjoy immunity from prosecution for remarks made within the Assembly, they are not immune from prosecution for what they write or say outside the chamber. One opposition Assemblyman was questioned by authorities in 1986 for distributing a leaflet which "denigrated the State." As noted earlier, another, Yoo Sung Hwan, was jailed for distributing an advance text of a speech he was to give in the Assembly.

Academic freedom is subject to some political limitations. During 1986 over 700 university professors signed various statements calling for democratization or constitutional revision. Many were subsequently subjected to various pressures and punishments including denial of research funds, withholding of promotions, demands for written apologies, and pressure to resign from administrative positions. Many resisted these pressures, with the support of their colleagues, and the Government's campaign against them was not pressed as far as arrests.

Professors are expected to play an active role in preventing campus demonstrations, a task many find objectionable. Middle and high school teachers sometimes are also punished for antigovernment political activities. In 1986 there were reports of teachers being dismissed, having their pay reduced, and receiving undesirable transfers because of having participated in antigovernment activities. A civil servant in

the Prime Minister's office reportedly was forced to resign after he made a public statement critical of the Government.

b. Freedom of Peaceful Assembly and Association

A number of specified categories of assembly, including those considered likely to undermine public order or cause social unrest, are prohibited by the Law on Assembly and Demonstrations. The law also requires that demonstrations of all types, including outdoor political assemblies, be reported in advance to the police. Violation of the law carries a maximum sentence of 7 years' imprisonment or a fine of about $3,750. Under this law, police have at times intervened and broken up meetings. Most peaceful nonpolitical assemblies take place entirely without official supervision or restriction. Meetings of dissidents are monitored and sometimes prevented, often by placing the scheduled speaker under some form of house arrest. In the fall of 1986, the Government demanded the "voluntary" disbandment of a dissident coalition group; the organization's offices were subsequently searched and many of its officials arrested.

In 1986 the NKDP held a series of rallies in support of constitutional revision throughout the country. Police permitted a number of events outside the capital region but only one (in March) in Seoul. In late spring opposition rallies drew crowds of tens of thousands in Pusan and Kwangju. But an NKDP rally in Inchon degenerated into violence, with the Government blaming radical dissidents and the NKDP blaming police for instigating the confrontation. Subsequent rallies in the provincial cities of Pusan and Kunsan attracted large crowds. Some violence attended these events as well, but they were on the whole well-managed. In late November, however, the Government used a massive number of police to prevent an opposition mass meeting in Seoul.

The Law on Assembly and Demonstrations was used most often in 1986 against student demonstrators, with government statistics showing 813 persons booked for involvement in campus disturbances in the first half of 1986. During the same period, 116 persons, including several NKDP and other opposition organization figures, were charged with violation of the law in connection with the NKDP rallies.

Under the Constitution, workers are guaranteed the rights of independent association, collective bargaining, and collective action. These rights, however, are circumscribed by both labor-related laws and practice and do not extend to workers employed by the Government, public utilities, defense-related industries, or firms that "exercise great influence on the national economy."

The single national labor federation, the Federation of Korean Trade Unions (FKTU), and its 16 national affiliate federations and unions are not directly controlled by the Government. Their activities are, however, limited by law and subject to government interference. Labor organizations are precluded by law from endorsing a particular political party or politician, although the FKTU does lobby National Assemblymen in connection with labor and welfare-related legislation. According to the FKTU, nationwide dues-paying FKTU membership at the end of September was 890,472. Ministry of Labor figures, based on reports submitted by individual unions, placed total union membership at 1,024,270 at the end of June.

The FKTU is affiliated with the International Confederation of Free Trade Unions, and its constituent federations and unions are affiliated with recognized international trade secretariats. The Republic of Korea has observer status at the ILO and aspires to become a full-fledged member.

Under existing labor laws, all local unions may be organized only up to the level of individual enterprises, creating a structure of thousands of shop unions, most of them small and weak. Recent amendments to the labor laws removed the FKTU and its 16 affiliated national industrial federations from the category of "third parties" heretofore enjoined from entering into labor disputes. Religious labor organizations such as the Catholic Young Christian Workers and the Protestant Urban Industrial Mission are severely limited in the assistance which they can provide legally established unions.

Under these circumstances, the influence of the Government and employers has greatly exceeded that of unions in setting wages and resolving other labor issues. Collective actions and strikes, although technically legal, are strongly discouraged by the Government and by employers.

As part of the overall crackdown on dissident activities in late 1986, the Minister of Labor in November ordered the "voluntary" disbandment of fourteen "leftist-oriented" labor organizations, including the Chonggye Garment Workers' Union, which the Minister claimed was responsible for many labor problems. Government authorities also announced that they had uncovered several "clandestine" labor networks that were purportedly engaged in attempts to indoctrinate workers with leftist ideology. Human rights groups estimated that as many as 150 people, including some students, were in prison in late 1986 because of involvement in various labor-related activities. This in part reflects continuing efforts by student dissidents to contact and influence labor groups.

In 1986 the Government continued to use the law on assembly and demonstrations to detain workers in connection with labor disputes. Despite the legal restrictions and other obstacles, collective actions by workers increased in 1986. As of the end of October, 249 labor disputes were recorded by the Ministry of Labor, compared to 230 during the corresponding period in 1985. Most of these disputes were attributed to delayed or nonpayment of wages or to worker complaints over working conditions. The Government charged that student activists had "infiltrated" workplaces, with the intention of agitating blue-collar workers, and were responsible for much of the reported labor unrest.

c. Freedom of Religion

There is no state-favored religion in Korea. There is generally complete freedom for proselytizing, doctrinal teaching, and conversion. Korea both sends and receives missionaries of various faiths. Many religious groups in Korea maintain active links with coreligionists in other countries. The Government and people do not discriminate against minority sects. Adherence to a particular faith confers neither advantages nor disadvantages in civil, military, or official life.

In 1986 some Buddhist adherents demonstrated against laws governing state regulation of temples which they claimed constituted discrimination. These protests were put down by

police. Churches and religious groups are subject to many of the restrictions on political activities and criticism of the Government that apply to all other institutions. On those occasions where pastors are harassed by the authorities, it is usually for religiously motivated social or political activism. Conscientious objectors are subject to arrest.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Except for criminals and persons considered politically suspect, most people can obtain passports for travel in the officially approved categories such as business. A number of dissidents and former political prisoners have been allowed to travel abroad, although in 1986 the Government banned foreign travel by seven opposition Assemblymen who had been indicted for disruptive behavior in the Assembly. In separate incidents, several religious dissidents were prevented by authorities from attending church conferences abroad at which political topics were to be discussed. There is almost universal freedom of movement and freedom to change employment in Korea. Because Korea is one of the most densely populated countries in the world, the Government encourages emigration and does not discriminate against prospective emigrants.

The Government limits the number of passports issued to tourists and prospective students, citing foreign exchange considerations and the problem of unqualified students going abroad. Passports, when issued, are typically limited to 1 year, although there are exceptions in which passports are issued up to the legally maximum 5-year period of validity.

A small continuing influx of Vietnamese boat people is admitted to temporary first asylum in Korea. They are cared for at a camp in Pusan by the Korean Red Cross until they can be resettled abroad. Over 700 displaced persons from Vietnam have passed through Korea in the last several years. Very few have been permanently resettled in Korea.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government.

Korea's Constitution and statutes as well as its traditions concentrate political power in the President, a concentration further intensified by the support the President enjoys from the military and security agencies. The President and the members of the National Assembly are the only elected officials in Korea. Under the 1980 Presidential Election Law, the President is chosen by a popularly elected electoral college of at least 5,000 members. By law, presidential campaigns are brief and candidates severely restricted in campaigning. There are limits on the amount of money they may spend, the number of speeches they may deliver, and the number of publications they may distribute. In the 1981 presidential election, these restrictions, together with the authorities' screening of electoral college candidates, resulted in the absence of effective opposition to incumbent President Chun Doo Hwan, who won almost unanimously. In the 1985 National Assembly election, two of the most prominent opposition politicians, Kim Dae Jung and Kim Young Sam, were not allowed to participate. That election was, however, fiercely contested, and the opposition party scored some stunning successes.

REPUBLIC OF KOREA

The Constitution limits the President to a single 7-year term and may not be amended to allow the incumbent President to run for another term. President Chun continued to reaffirm that he intends to step down in 1988 to provide for a peaceful, constitutional transfer of power. Faced with opposition demands to amend the Constitution before 1988, Chun agreed to revise it if agreement can be reached between political parties in the National Assembly. Under present law the Constitution can be amended when approved by a two-thirds majority in the National Assembly and then affirmed by a simple majority of voters in a national referendum.

The government party proposed instituting a parliamentary system with a strong prime minister elected by the National Assembly, arguing that such a system would help correct the concentration of power in the presidency. The opposition continued to push for a direct election presidential system, which it said is most compatible with Korea's political culture and the wishes of the people. Both parties expressed support for more rapid democratization of Korea including the implementation of local autonomy, but at the year's end negotiations on constitutional revision were stalemated.

The National Assembly, although institutionally weak, acquired new importance in 1985 with the holding of elections and the emergence of a new and more outspoken opposition party, the NKDP, formed only weeks before the election and led largely by politicians recently freed from the political ban. Members are directly elected and serve a 4-year term. The election law passed in 1981 provides for a proportional representation system that reserves 92 of the assembly's 276 seats for members designated by the parties, with two-thirds of these seats awarded to the party gaining a plurality of the popular vote. The government party, the Democratic Justice Party (DJP), garnered a plurality of 35.3 percent in the 1985 elections and, with its proportional representation seats, maintained a comfortable majority of 148 out of 276 assembly seats. The NKDP obtained a surprising 29.2 percent of the popular vote, and, with the post-election defection to it of Assemblymen from other opposition parties, became the largest opposition party in the Republic's parliamentary history in terms of Assembly seats held. In 1986 the NKDP and other oppositionists demanded the revision of the Assembly Election Law as well as constitutional revision.

Political and religious activists involved in opposition groups outside the recognized political parties continued to come under intense government pressure in 1986. Expressing worries about growing leftist trends, the Government investigated a number of dissident groups to discern whether they included pro-Communists and ordered the "voluntary" disbandment of some of them. At the end of the year, a number of such dissidents were under investigation or indictment for national security law and other violations. The government party warned the NKDP against identification with or ties to such groups.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Republic of Korea does not belong to any international human rights bodies and usually does not welcome outside involvement in the human rights area, although government officials have allowed the visits of and met with

representatives of international human rights bodies, including Amnesty International and Asia Watch.

According to the Government, public prosecutors and the human rights division of the Ministry of Justice are responsible for protecting human rights and investigating violations. The National Assembly and political parties also have committees which are concerned with some aspects of human rights issues. The release of political prisoners and allegations of prisoner mistreatment were the subject of sharp debate in the National Assembly in 1986. The Human Rights committee of the NKDP was active in investigating allegations of human rights abuses, visiting prisons, meeting with prisoners and their families, and providing legal defense in connection with numerous human rights issues.

A number of politically nonaffiliated private organizations are active in human rights, chiefly the Human Rights Committee of the National Council of Churches of Korea (KNCC), the Catholic Justice and Peace Committee, the Korean Bar Association, and the Korea Legal Aid Center in Seoul. The committees and other human rights organizations submit petitions to the Government, publish reports on the human rights situation in Korea, and make their views known both inside and outside Korea. People working with these groups frequently are questioned and sometimes detained by the security services. The Chairman of the Catholic Justice and Peace Committee was arrested in October for hiding a wanted dissident, and the head of the KNCC Human Rights Committee was placed on the police wanted list after he signed a statement in support of a dissident deemed subversive by the Government. In November police armed with a search warrant entered the KNCC Human Rights Committee office and seized some documents.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Republic of Korea with its 40 million plus population is densely inhabited and racially and culturally homogenous. There are no ethnic minorities of significant size.

Despite the cultural homogeneity of its people, regional rivalries exist in Korea. Many Koreans believe that persons from the southwestern provinces of North and South Cholla face some discrimination, and that successive governments led predominantly by men from southeast Korea and other areas have neglected the economic development of the Cholla provinces. The present Government claims that it is making particular efforts to encourage the development of the Cholla region.

In Korea, with its conservative Confucian tradition, women remain subordinate to men socially, economically, and legally. Some progress has been made. The Family Law was revised in 1960 and 1979, but critics contend that the law is still inconsistent with Korean constitutional guarantees of sexual equality. For example, women do not have equal rights with men in passing nationality, nor do they have equal rights with regard to child custody in divorce cases. Women's rights groups are campaigning for changes in these and other points of the Family Law.

Women are free to vote, become government officials, and run for the National Assembly. Women hold seven Assembly seats, all but two appointed by their parties. However, the power

structure remains male-dominated, and in many significant respects the legal system and social custom strongly discriminate against women.

Women enjoy full access to educational opportunities. They are increasingly represented, though still largely at entry level, in government and the private sector. As of 1985, only 24 women had ever passed the bar examination. Only five have passed the national administration examination given for higher level civil service jobs. In general, women are not protected against discrimination in hiring, pay, or advancement. They are commonly expected to resign upon marriage or pregnancy. Women's organizations and members of the National Assembly are trying to focus more attention on women's rights.

CONDITIONS OF LABOR

Chapter V of the Labor Standards Law governs the employment of minor and female workers. Under this provision, minors under age 13 must have a special permit issued by the Ministry of Labor to be employed. Minors under age 18 must have a parent's or guardian's written approval in order to work, and they are prohibited from night work without special permission from the Ministry of Labor. In addition, the law requires that employers of 30 or more minors provide educational facilities or arrange scholarship funds for them. The employment of minors is widespread, particularly in labor-intensive industries such as textiles, footwear, and small electronics assembly, and abuses of legal protections are common.

The Labor Standards Law provides for a maximum workweek of 60 hours with the mutual consent of employer and employee, a paid day of rest during the workweek, compensation for overtime and holiday work, paid holidays, and annual leave. Recent statistics indicate that the average full-time industrial worker spends close to 55 hours per week on the job. Korea has no minimum wage system, but the Government has pledged to institute one, possibly as early as 1988, as part of the 5-year Socioeconomic Plan beginning in 1987. The Government also plans to implement an ambitious pension system--still in the design stages--which would expand considerably eligibility for retirement pension plans by industrial workers.

In response to recurring criticism of its handling of labor disputes, the Government undertook in 1985, and continued in 1986, to take stronger measures, including fines and imprisonment, to curb employer abuses. During the first 9 months of 1986, 39,111 cases of employer violations of the Labor Standards Law were recorded, an increase from 31,419 during the corresponding period in 1985. Most of the violations involved delayed payment of wages.

As of August 1986, there were 1,070 job-related deaths and 92,387 work-related injuries recorded by government sources. In 1985, there were 1,718 industrial fatalities and 139,560 reports of injury. Manufacturing, construction, and mining industries continued to be the most hazardous. The Government has mandated insurance to cover industrial accidents at places of business employing 10 or more workers. The 1981 revision of the Industrial Accident Compensation Law covers job-related medical costs, sick leave benefits, disability benefits, and other costs.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: KOREA, REPUBLIC OF

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	231.8	231.9	164.5
LOANS.....	230.0	230.0	162.7
GRANTS.....	1.8	1.9	1.8
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	230.0	230.0	162.7
C.INTL MIL.ED.TRNG....	1.8	1.9	1.8
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	231.8	231.9	164.5
LOANS.....	230.0	230.0	162.7
GRANTS.....	1.8	1.9	1.8
OTHER US LOANS.....	0.0	36.6	0.0
EX-IM BANK LOANS.....	0.0	35.8	0.0
ALL OTHER.....	0.0	0.8	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	977.5	699.8	811.7	8907.6
IBRD	768.5	556.0	626.0	6451.3
IFC	34.6	7.2	18.7	190.0
IDA	0.0	0.0	0.0	106.9
IDB	0.0	0.0	0.0	0.0
ADB	172.8	134.0	167.0	2105.3
AFDB	0.0	0.0	0.0	0.0
UNDP	1.6	2.6	0.0	38.7
OTHER-UN	0.0	0.0	0.0	15.4
EEC	0.0	0.0	0.0	0.0

LAOS

The Lao People's Democratic Republic (LPDR) is ruled by a Communist Government established in December 1975 after an insurgency of 20 years supported by North Vietnam. The sole political party, the Lao People's Revolutionary Party (LPRP), takes its political ideology from Marx, Lenin, and Ho Chi Minh. It is dependent on Vietnamese and Soviet military and economic support to retain power. Laos' approximately 3.6 million ethnically diverse people, scattered over more than 91,000 square miles of rugged terrain, have no common national history and share few traditions. National institutions remain weak. The Fourth Party Congress held in November 1986 failed to indicate the status of preparations of a constitution or even to repeat the 1982 Congress' goal to draft one as soon as possible. There is no codified body of law. No national elections have been held since the establishment of the regime.

The Government is seeking to establish a Communist political and economic structure largely based on the Soviet and Vietnamese models. Laos' geographical position among far larger and mutually hostile neighbors, plus the incursions of resistance groups across the country's long and hardly defensible lines of communication, have imposed something of a siege mentality on the narrowly based Lao leadership. In 1986, however, the impact of regional tensions on Laos lessened and by late in the year there were indications that the Lao were seeking to improve relations with both Thailand and China.

The Lao Government continues to be faced with a number of resistance groups seeking its overthrow, but they do not currently appear to present a serious threat. The approximately 50,000 Vietnamese troops in Laos regularly conduct operations with the Lao People's Army (LPA) against resistance groups and serve as the ultimate guarantor of the Government's survival. The state security apparatus, which reinforces central control through threats, intimidation, fear, and imprisonment is a primary source of human rights abuses.

Laos is an extremely poor, underdeveloped country. Although it apparently met its food needs with a successful 1985/86 crop year, nutritional levels remain barely adequate. Government intervention in general has led to various supply shortages and disruptions.

Human rights violations continued in 1986, and the individual remained subject to the arbitrary control of the State and the LPRP. Compared with the period just after the Communist takeover, there have been very limited improvements in the human rights situation. In 1986 some people were released from reeducation camps, and the conditions of some who remain under detention reportedly improved. However, serious abuses such as arbitrary arrests and detention without trial continue. Government controls and pressures against private economic activity continue, although the Fourth Party Congress endorsed continuing use of the "positive" elements of the private sector for furthering economic development.

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LAOS

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There have been reports that Lao government and Vietnamese patrols have fatally shot persons fleeing from Laos and those entering the country illegally, usually smugglers or suspected members of the Lao resistance, but in recent years such reports have decreased. Refugee reports of toxic weapon use by government or Vietnamese forces against villagers have virtually ceased.

One incident which received international attention involved the killing by Lao forces on June 14, 1986, of 35 persons in a settlement in Ban Huai Pong, Thailand, just across the border. Complete details still are unavailable, but it appears certain that elements of the LPA entered Thailand at that time and massacred noncombatants, including women and children; allegedly, the motivation arose out of a local vendetta.

An unknown number of people are killed annually in combined Lao/Vietnamese military operations against resistance forces. Many of the insurgents appear to be former Royal Lao Army troops and Hmong tribesmen. Both sides are reported to use brutal tactics, with the antigovernment forces attempting assassination and ambush of Lao, Vietnamese, and other Communist military and civilian personnel. There are also recurrent reports of attacks by bandit groups in isolated or interior areas on vehicles bearing government officials and on civilian buses. Official policy calls for the execution of resistance leaders, but no such executions were reported in 1986.

b. Disappearance

Although there were numerous cases of secret arrest and removal of persons to "reeducation" camps in the first years of the present regime, disappearance has been reported only infrequently in the last several years and not at all in 1986.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

A relatively small number of "reeducation" prisoners continue to be held in harsh conditions. Former prisoners have reported that punishment for misbehavior could include brutal public beatings, shackling, deprivation of food, and sometimes, for those who tried to escape, execution. Some inmates have died from malnutrition. Lao government officials have publicly denied reports of mistreatment of persons in "reeducation camps."

d. Arbitrary Arrest, Detention, or Exile

The Lao Government continues to maintain a number of "reeducation camps" in which persons associated with the previous Government are imprisoned. Firm figures are unavailable, but detainees likely number over 1,000.

Since 1979 conditions in most of the "reeducation" camps have improved, and a number of camps reportedly have been closed.

Most detainees now live in a kind of internal exile with severe restrictions on their freedom of movement. Generally, these conditions are no worse than those of poor Lao living in the countryside. Many reportedly have been assigned to collective farms or construction units inside their former camps. Some are on probation or cannot arrange necessary travel documents. Others who have lost property and families are reported to have chosen to remain in areas near the camps to begin new lives. In its 1986 Report, Amnesty International, citing an internal Lao government estimate, asserted that 5,000 people remained in "reeducation," and it continued to work on behalf of 40 persons confined in "reeducation camps."

In 1986 government officials claimed, as they had in 1985, that nearly all soldiers and officials sent to "reeducation camps" in 1975-76 had been "released" and that "only a few" people remained under detention. In 1986 the Government permitted at least 85, and possibly as many as 119, "reeducation camp" prisoners to return to Vientiane.

Those accused of hostility to the regime or of what the Government calls "socially undesirable habits," such as prostitution, drug abuse, idleness, and "wrong thought," are sent to "rehabilitation" centers, usually without trial. Most of these persons have been allowed to return to their homes after periods ranging from a few months to several years of hard labor, political indoctrination, and admission of guilt.

e. Denial of Fair Public Trial

No code of law exists in Laos, and there is no guarantee of due process. In addition to working on the rehabilitation of the court system, the Government in the last year transferred some personnel with legal backgrounds to the Justice Ministry, reportedly to speed up the revision of the pre-1975 law code. It has promulgated interim rules and regulations for the arrest and trial of those accused of specific crimes, including armed resistance to the Government. Although the regulations allow an accused person to make a statement presenting his side of the case, they provide no real opportunity for the accused to defend himself and do not permit bail or use of an attorney. Rather, the Government has issued instructions on how to investigate, prosecute, and punish wrongdoers. These instructions are applied capriciously and inconsistently. People can be arrested on the unsupported accusations of others and detained while the accusations are being investigated, without being informed of the charges or the identity of the person making the accusations. Investigations often take a long time unless family members and friends take a strong interest in the case. Government officials and their families easily can influence the judgments reached. There is some provision for appeal, although important political cases tried by "people's courts" are without an appeals process. Death sentences must be approved by the Council of Ministers. Lao regulations call for judgment to be given in public. This is, in effect, a public announcement of the sentence and not a public trial.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Search and seizure are authorized by the security bureaus themselves rather than by an impartial judicial authority, and government regulations, which are not always followed, provide

little protection for the persons affected. International and domestic mail is selectively opened on a routine basis. Mail from China and non-Communist countries is particularly suspect. Telephone calls frequently are monitored. Privately owned land may not be sold but may be inherited. Houses, appliances, and other private property can be sold only with difficulty in most cases, since the possession of large amounts of cash in this poor country draws immediate government suspicion. Inheritances cannot be passed on to relatives who have left the country as refugees and acquired another nationality.

The Government makes no attempt to stop Lao from listening to foreign radio stations such as the Voice of America, nor from setting up antennas to bring in Thai television from across the Mekong River. The state security apparatus monitors family life extensively through a system of neighborhood wardens and informers.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Lao press, owned by the Government and the LPRP, is dedicated to the dissemination of the official line. Only government officials and others whom the Government determines have a professional need are authorized to possess non-Communist foreign newspapers, magazines, and other publications. Neither written nor spoken expressions of opposition to the Government are permitted. Persons who have engaged in such activity have been imprisoned. Most Lao are discouraged from serious discussion or association with foreigners. Academic freedom does not exist.

b. Freedom of Peaceful Assembly and Association

The Government controls all meetings and, except for religious, athletic, and communal events, organizes them. Individuals do not have the right to join together to promote nonregime-sponsored activities nor to protest government policies. All associations--such as those for youth, women, workers, and a "peace organization"--are government-controlled and authorized "mass organizations." These are organized to exercise government control and disseminate government policy. All professional groups are organized by the party, and their leadership is ordinarily drawn from party ranks. Lao associations are permitted to maintain relations with like-minded politically acceptable organizations in other countries, particularly those in Communist countries. Ordinary Lao citizens are permitted association or contact with foreigners only in unusual circumstances, usually involving their work.

Trade unions are organized as "mass organizations" of the party without the right to engage in collective bargaining. They have no real influence in determining working conditions.

c. Freedom of Religion

Nearly all Lao are Buddhists or, in the case of most hill tribesmen, animists. In official statements, the Government has recognized the right of the people to free exercise of religious belief as well as the contributions religion can make to the development of the country.

Many Lao believe, however, that the Government is engaged in a long-term effort to subvert the role of religion because it considers the maintenance of temples and the activities of monks nonproductive and because it objects to an active group with an independent system of beliefs. This effort includes carefully controlling the education of young monks and compelling the Buddhist clergy to propagate elements of Marxist-Leninist doctrine. Further, since 1975, the Government has periodically taken over Buddhist and Christian places of worship for use as government schools, offices, fire and police stations, as well as political indoctrination centers and warehouses. While some limited restoration and construction of Buddhist temples has resumed, at least in the Vientiane area, this practice is seriously discouraged by the Government.

In spite of these efforts, monks remain the only social group still entitled to special honorific terms of address, and even high party and government officials continue to use them. Lao Buddhist clergy were prominently featured among those invited to attend the opening session of the Fourth Party Congress. Religious festivals are permitted to take place without hindrance. Young people regularly enter into religious orders for short periods.

Links may be maintained with coreligionists and religious associations in other countries only in cases approved by the Government, usually other Communist countries. Most traditional links to Thai Buddhists have been severed, although the Lao did host a leftist 10-member Thai Buddhist delegation in February. Missionaries are not formally banned from entering Laos to proselytize, but in most cases they are denied permission. Many top party officials still participate in religious ceremonies, but members of the military are forbidden even to have Buddhist funerals.

Roman Catholics and Protestants are permitted to worship, but the activities of their churches are closely observed. A few church leaders remained under detention, either without being charged or for alleged antiregime activity.

Since 1975 Christians have not been permitted to operate schools, seminaries, or associations, although a Catholic priest was ordained in 1986 after private study, and some short-term training sessions for local Protestant church leaders have been permitted. In Vientiane during August 1986, 50 Lao children received confirmation in the Catholic church. Overseas Catholic church officials visited Laos in 1986 to meet with local church leaders as well as government officials.

The Government takes steps including the use of media to persuade hill tribe minority groups to abandon their "old fashioned" animist beliefs.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Lao citizens must obtain permission from the authorities for all internal travel of any distance and in all cases when crossing provincial boundaries. Non-Lao residents in Vientiane must in principle obtain permission to travel outside it, and in practice, except for nationals of a very few other countries, such permission is rarely granted. A curfew is enforced intermittently in the capital and other major cities. Its rules change from time to time, often

without notice. Government officials have cited threats of "disorders" created by "reactionary elements" as the reason for the restrictions.

Foreign travel is permitted for officials, students in government-approved programs, and some others who have access to foreign exchange. Lao rarely are permitted to study or train in non-Communist countries, even at their own expense. Exit visas, which are required, have been difficult to obtain in the past, but for some classes of applicants, especially the elderly, the process seems to be getting easier. Since 1983 the number of Lao travelling to the West has increased. Border crossing permits are available for those with business in Thailand. Such permits, however, may be denied if the Government finds the business unnecessary.

Although the Government has said that those wishing to emigrate will be allowed to do so, as a practical matter legal emigration is rarely authorized for ethnic Lao and, when it is, reportedly requires substantial bribes. Since 1975 over 300,000 of the Lao who have fled Laos have registered as refugees in Thailand. An unknown number of other Lao who have fled the country have simply settled in with kindred ethnic groups.

Some of those fleeing are fired upon and killed by Lao or Vietnamese border patrols as they attempt to cross the Mekong River. Government authorities have imprisoned many Lao seeking to leave the country illegally, although in some cases they have only been sent to short indoctrination seminars and then released.

The Lao and Thai Governments have agreed to take back, on a case-by-case basis, those of their respective citizens who have illegally crossed into the other country and now wish to return home. Since May 1980, when agreement was reached with Thailand and the United Nations High Commissioner for Refugees (UNHCR) on a voluntary repatriation program, some 3,000 Lao voluntarily have returned to Laos under the auspices of the UNHCR. Those accepted for return receive several days of political indoctrination and then are released to return to their homes, where they are placed under the control of village authorities. The UNHCR provides basic necessities for the returnees and monitors their treatment and living conditions thereafter. In addition, perhaps as many as 10,000 individuals have repatriated themselves without official involvement. There appears to be no pattern of official harassment or maltreatment of these voluntary returnees.

The LPDR also has agreed in principle to take back Lao in Thailand whom the Thai have determined do not meet the requirements for refugee status. Procedures for the return of these Lao were being worked out in late 1986 with the help of the UNHCR.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Laos is ruled by a small elite of the LPRP, the sole party. There is neither freedom to participate in politics outside the party nor popular choice of policies or officials. After the Communists seized power in May 1975, but before the establishment of the present regime in December of that year, local elections were held in which voters chose from a list of candidates selected by the party. Reportedly, those local

officials not only constituted the National Council of People's Representatives, which proclaimed the LPDR, but also chose the Supreme People's Assembly, although the latter process was not publicized. There have been no national elections. A few "by-elections" have been organized to replace representatives who have died or been transferred.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Laos has refused to cooperate with the UN Secretary General's investigation of the use of chemical/toxin weapons in Laos. It also does not cooperate with private international organizations interested in human rights. It does occasionally permit visits by officials of international human rights organizations if the purpose of the visit is not specifically related to allegations of human rights violations. In the past, the Lao Government has permitted the UNHCR to investigate to a limited degree the status of Lao voluntarily repatriated from Thailand. In both 1985 and 1986, the Lao received a brief visit from a high UNHCR official.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Traditionally, women in Lao society have been subservient to men and often discouraged from obtaining an education. Today the active, Government-controlled Lao Women's Federation has as one of its stated goals the achievement of rights for women "equal" to those of men. The Government claims that a higher percentage of women make up the school population now than before 1975, and women are being encouraged to assume a greater role in economic and state-controlled political activity.

Approximately half of the population in Laos is ethnic Lao, also called "lowland Lao"; 20 percent are tribal Thai; 15 percent are Phoutheung (or Kha); and other mountain tribes constitute another 15 percent (Hmong, Yao, and others). The Lao Government is attempting to integrate these groups and overcome traditional antagonisms between lowland Lao and minority groups.

The Hmong are split on clan lines. Many were strongly anti-Communist; others sided with the Communist Pathet Lao and the Vietnamese. The Government is repressive toward all groups that fought against it, especially those continuing to resist its authority by force. The Hmong tried to defend some of their tribal areas after 1975 and some continue to support anti-LPDR resistance groups. Vietnamese and Lao armed forces conduct military operations against both resistance groups, the tribally based ones in the north and the resistance forces from lowland Lao groups, mainly in southern Laos.

The Government wants to resettle in the lowlands some ethnic minorities who now inhabit mountainous areas. After resettlement they would be under closer government control and engage in settled agricultural production rather than destructive slash-and-burn techniques. For this purpose, the Government has reportedly abandoned the use of force in favor of a voluntary program based on material inducements. The situation for local ethnic Chinese has been marked by Government suspicion and surveillance in the period after 1979 when Sino-Lao relations deteriorated seriously. These

relations appear to be on the mend after a recent Chinese vice ministerial visit which should improve the atmosphere for the approximately 3,000 Chinese who remain in Laos. A majority of the Chinese community departed in the post-1975 period, largely for economic reasons. Those who remain have maintained Chinese schools in Vientiane and Savannakhet and Chinese associations in several provincial capitals.

CONDITIONS OF LABOR

Laos has set neither minimum wage, maximum workweek, nor safety or health standards for the workers in its almost entirely rural and agricultural economy. Public wages in particular remain extremely low. Workweeks typically are under 48 hours, with some exceptions, such as during urgent road-building or construction projects. Workplace conditions are not systematically exploitative, but they sometimes fail to protect workers adequately against sickness or accident. Work permits customarily are not issued to persons under age 18, although children frequently work with their parents in traditional occupations such as farming and shopkeeping.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: LAOS

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	1.5	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.5	0.0	0.0
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	1.5	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.5	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	1.5	0.0	0.0
E.RELIEF.EC.DEV & WFP.	1.5	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	1.5	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.5	0.0	0.0
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	18.9	10.0	15.9	183.1
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	0.0	0.0	3.9	57.1
IDB	0.0	0.0	0.0	0.0
ADB	14.3	9.0	12.0	72.1
AFDB	0.0	0.0	0.0	0.0
UNDP	4.6	1.0	0.0	43.7
OTHER-UN	0.0	0.0	0.0	10.2
EEC	0.0	0.0	0.0	0.0

MALAYSIA

Malaysia is a multiethnic society. Malays comprise a bare majority of the population, the remainder consisting of a substantial Chinese (about 33 percent), large Indian (about 10 percent), and several smaller minorities. Since independence in 1957, Malaysia has had a parliamentary system of government based on free elections contested by several parties, almost all of which are racially based. The ruling National Front (composed of three major and several minor parties) has won a two-thirds or better majority in the federal Parliament in all seven general elections since 1957, but opposition parties are active and vocal participants in the political system and occasionally hold power at the state level. A strong free market economy, abundant natural resources, and a relatively small population have helped Malaysia become one of the most prosperous of the developing countries. In recent years, a worldwide commodity recession has slowed the nation's economic growth considerably, making management of relations among ethnic communities more difficult.

Internal security in Malaysia has been seriously threatened twice. A major Communist insurrection began in 1948 and peaked in the early 1950's; it still smolders in a few border areas. In 1969 in intercommunal rioting following national elections, several hundred persons were reported to have died. In addition, the Government explicitly classifies the country's current serious drug problem as a threat to national security. The remnants of the Communist insurgency, the possibility of renewed communal conflict, and widespread drug abuse are cited by the Government as justification for laws allowing preventive detention of persons suspected of subversive activity or of other activities, including drug crimes.

In comparison to previous regimes, Prime Minister Mahathir's administration has been relatively restrained in its use of Malaysia's internal security legislation to deal with political offenses. The number detained under the Internal Security Act (ISA) reportedly has been sharply reduced to about 50, from about 500 when Mahathir took office in 1981. However, the Government has made clear its intention to continue to use security legislation when necessary in the future. Important events in 1986 include the arrest under the Internal Security Act, and release 5 months later, of 36 Islamic extremists involved in a shoot-out with police; a 3-month government ban on distribution of the Asian Wall Street Journal (later rescinded) together with the temporary expulsion of its two Kuala Lumpur-based reporters; and the acquittal of a prominent human rights lawyer indicted in 1985 on charges of sedition.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, including Freedom from:

a. Political Killing

There were no reports of political killings by the Government or by any other organization.

b. Disappearance

There was no evidence of abduction, secret arrests, or clandestine detention attributable to the Government or to nongovernmental or opposition forces.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There was no evidence of torture. Allegations of cruel, inhuman, or degrading treatment or punishment are rare.

d. Arbitrary Arrest, Detention, or Exile.

The Government can detain suspects without benefit of judicial review under three laws. The 1960 Internal Security Act (ISA), spawned by the Communist insurgency of the 1950's, is aimed at controlling internal subversion. Detainees must be informed of the charges against them and given the opportunity to protest those charges to an advisory board. The advisory board must also review each case at least every 6 months. However, neither advisory board decisions nor recommendations are binding on the Government, which also has the power to extend detention indefinitely in 2-year increments. According to a Home Ministry statement, the number of ISA detainees in June 1986 was 64. It is estimated, based on information from several sources, that the current figure has been reduced further to about 50 . Although members of legal opposition parties have from time to time been detained under the ISA, almost all current detainees are alleged members of the Communist party of Malaysia. Periods of detention for this group reportedly range from 14 years to under 1 year; the average is about 8 years. From January to June 1986, 36 Islamic extremists were detained under the ISA for their role in a November 1985 shoot-out with the police near the village of Memali, Kedah. Eighteen police and civilians were killed in the clash.

The Emergency Ordinance of 1969 stemmed from that year's communal riots. The state of emergency has never been rescinded, although Parliament regained its legislative power, suspended as part of the emergency, in 1971. The Emergency Ordinance gives the Government the power to detain anyone "in the interests of the public safety or the defense of Malaysia." As under the ISA, detainees must be informed of the charges against them, and they can appeal to an advisory board. In contrast to the ISA, however, the Emergency Ordinance allows the Government to detain suspects for a maximum of 2 years, although upon release it can put them under "restricted residence" for an additional 2-year period. The Government has relied on the emergency ordinance to detain suspected major narcotics traffickers when it has insufficient evidence to prosecute them under drug laws. Based on figures provided by the Malaysian Government, it appears that in October 1986, about 400 suspects were in detention.

The Dangerous Drugs Act of 1985, adopted after extensive public hearings by a parliamentary select committee, gives the Government a specific law under which suspected drug traffickers can be detained. It strengthens the Government's hand in that suspects can be held indefinitely for successive 2-year periods. However, certain due process safeguards not found in the Emergency Ordinance were incorporated in the antidrug law. An "inquiry officer" must both receive a copy of the police report to the Minister of Home Affairs which recommends detention and also submit his views to the Minister. Also, the opinion of the advisory board, following either its initial hearing or its periodic reviews of each case, is binding on the Minister. Finally, the act expires after 5 years unless reaffirmed by Parliament. About 150 suspects were in detention under this statute in October 1986.

MALAYSIA

Malaysia subscribes to International Labor Organization (ILO) Convention 105 which prohibits forced or compulsory labor. Malaysia has effective legal sanctions against such abuses, and forced labor does not appear to be practiced.

e. Denial of Fair Public Trial

The Malaysian judiciary is generally regarded by the public and the legal community as committed to the rule of law. Although the courts have rarely challenged legislation, they have not hesitated to rule against government prosecutors in specific cases, both civil and criminal.

Ordinary (non security-related) civil and criminal cases are tried under a fair and open judicial system derived from British jurisprudence. Charges must be levied against a defendant within 24 hours of arrest, and police must decide within 14 days whether to bring the case to court. Defendants have the right to counsel, and lawyers are able to represent clients without penalty to themselves. Bail is available, and strict rules of evidence apply in court. Defendants may appeal lower court decisions to the federal courts and, in criminal cases, may also appeal for clemency to the King or local state rulers, as appropriate.

Persons detained under security legislation and for certain classes of crimes, if their cases are brought to trial, are tried under special procedures contained in the Essential (Security Cases) Regulations of 1975. The accused is allowed counsel but does not receive a statement of the evidence; trial is by a single judge without a jury; and witnesses may be examined in the absence of the accused. Admissible evidence includes hearsay and secondary evidence, testimony of children and spouses, self-incriminating statements to police, and information from seized records or communications. If the accused is found guilty, the judge must impose the maximum penalty. For certain internal security crimes, including the possession of firearms, the mandatory sentence is death. In 1986 at least one person, Sim Kie Chon, was executed after conviction under the ISA for illegal possession of firearms.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

Under the ISA, the police may enter and search without warrant the homes of persons suspected of threatening national security and confiscate evidence from them.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.

The Constitution guarantees free speech, and in practice there are very few constraints on freedom of expression in conversations or private communications. Freedom of the press is similarly guaranteed but is subject to important limitations grounded in ownership and legislation. The Government owns all of the country's radio stations and two of the three television stations. The third television station and most of the press are owned by groups close to the parties of the ruling National Front. Furthermore, by virtue of 1984 amendments to the Printing and Publications Act, the Government controls licenses for all other publications, including imported ones. The general result of these facts is that the media exercise considerable self-censorship.

MALAYSIA

In late September the Government banned the Asian Wall Street Journal for 3 months and ordered the expulsion of its two correspondents because it was annoyed that articles in it which criticized government policies and officials reflected poorly on the country's image. The Malaysian Supreme Court subsequently ruled that the Government must "show cause" before revoking a correspondent's work permit. On November 14, conceding a "procedural lapse," the Government also lifted its ban on the circulation of the newspaper. The distribution of selected issues of international publications is occasionally delayed. An example of the Government's influence with the press was shown in the general elections in August, when coverage of ruling coalition candidates far exceeded that given to opposition office seekers. Still, one opposition party scored impressive gains.

Two other statutes which constrain the media are the Sedition Act and the Official Secrets Act. The former prohibits public comment on "sensitive" issues such as the constitutionally guaranteed special position of the Malays in society. In 1985 the Government brought charges under the Sedition Act against a prominent human rights activist and lawyer for his comments on the aforementioned Sim Kie Chon case. The lawyer had queried why Sim, a Chinese, was sentenced to death under the Internal Security Act for possession of a firearm while a former cabinet Minister, a Malay, was given a lesser sentence. In January 1986, the lawyer was acquitted by the high court.

In 1985 and 1986 one local and one foreign reporter were fined under the Official Secrets Act (OSA) for possession of government documents. On October 27, the Government introduced in Parliament amendments to the OSA which would modify the existing 1972 Act by stipulating a mandatory minimum sentence of 1 year's imprisonment, and by broadening the definition of "Official Secret" to include virtually all government information. On December 2, in response to widespread public criticism, the Government modified its controversial draft amendments to limit the prima facie definition of "Official Secret" to Cabinet and Cabinet Committee documents, State Executive Council documents, and those of its committees, and documents concerning National Security, Defense, and International Relations. On December 5, the lower house of Parliament passed the Government's controversial amendments to the 1972 Act.

b. Freedom of Peaceful Assembly and Association

The Malaysian Constitution guarantees the rights of freedom of peaceful assembly and association. It also grants the Government extensive powers to limit those rights by legislation in the interest of security and public order. After the 1969 communal riots, the Government passed laws greatly limiting the right to public assembly by large groups, particularly political rallies. This ban remained in force during the August election campaign, but in fact large assemblies were held by both government and opposition parties, often under the rubric of "ceramah" (ostensibly a religious teaching/discussion session). The controversial Societies Act empowers the Government in effect to prohibit societies which comment unfavorably on political or public issues; this Act is used by the Government to set limits to lobbying by groups, although not to suppress such activity entirely. Under the Universities and University College Act, student associations must be approved by the Ministry of Education and are prohibited from engaging in political activity.

MALAYSIA

The Trade Unions Act of 1959 and the Industrial Relations Act of 1967 govern the rights of workers to engage in trade union activity. The latter specifically prohibits any person from interfering with, restraining, or coercing a worker in the exercise of the right to form or participate in the lawful activities of a trade union. Unions may bargain collectively with an employer, form federations, and join international labor organizations. The law restricts an individual union to a single industry and gives the registrar of trade unions wide authority to determine the definition of an "industry." Some union leaders claim this authority has been used to restrict the activities of certain unions. Federations of trade unions similarly may cover only a single trade or industry. As a result, only a federation for public servants and one for teachers have been registered. The Malaysian Trade Union Congress (MTUC), the main labor federation in the country, is registered under the Societies Act. MTUC leaders have in the past requested, unsuccessfully, registration as a federation under the Trade Unions Act.

Although labor standards in free trade zones are the same as those in the rest of Malaysia, union leaders and some workers have been unhappy about their inability to obtain recognition for an electronics component industry union. Most electronics component factories are located in the free trade zones and are foreign owned. (Conditions of employment and wages in electronics component manufacturing plants are among the best in Malaysia's manufacturing sector.) When the plants were first established in the early 1970's, an attempt was made by the Electrical Industry Workers' Union (EIWU)to organize the workers. The registrar determined that the EIWU could not organize workers in electronics component factories because they were not part of the electrical product manufacturing industry. A second legal challenge was mounted by the Malaysian Trades Union Congress (MTUC) in the early 1980's when it attempted to organize electronics component workers. The High Court determined early in 1985 that the MTUC did not have standing in this matter as it does not represent electronic workers and is not a trade union. It is widely believed among union leaders that the Government, as an inducement to electronics component manufacturers in the free trade zones, has offered such firms varying periods of union-free operation.

Labor legislation grants the right to strike to Malaysian workers. However, union leaders complain that 1980 amendments to the two acts noted above interfere with their right to strike and to bargain collectively without fear of coercion. Specific union charges about government interference with the right to strike and bargain collectively are contained in a complaint presented to the ILO by the MTUC. The MTUC alleged that the amendments to the Trade Union Ordinance of 1959 and the Industrial Relations Act of 1967, passed in May 1980, contain prohibitive and oppressive antiunion provisions which erode the basic rights of workers, restrict union activities, and result in government and employer interference in the internal administration of unions. In 1983 the ILO urged the Malaysian Government to amend these laws further to bring them into conformity with the Convention on the Right to Organize and to Bargain Collectively. Many union leaders also believe that creation of the Industrial Court to handle industrial disputes weakened their legal position because at the same time they lost the right, in almost all cases, to take contract disputes to the regular courts. In 1985 the MTUC and the Malaysian Employers Federation conducted a joint seminar on Malaysia's labor laws in

which Ministry of Labor personnel participated. This process is continuing but has yet to produce any results.

As of December 1985, there were 369 individual unions in Malaysia with just over 600,000 members (10 percent of the labor force). Union membership declined during 1986, partly as a result of the replacement of union-organized plantation workers with unorganized contract labor and partly because a recession has slowed economic activity, especially in the most organized sectors of the economy. Unions are not permitted to engage in political activity, but individual trade union leaders have served in the Parliament, and individual union members may belong to political parties. Malaysian trade unions are free to associate with the appropriate International Trade Secretariats, and a number of Malaysian labor leaders play major roles in international labor affairs. The President of the National Union of Plantation Workers, P.P. Narayanan, is also president of the International Confederation of Free Trade Unions.

c. Freedom of Religion.

The official religion of Malaysia is Islam, and Malays are legally bound in some civil matters, e.g., family relations and diet, by Islamic religious laws administered by state rather than by federal authorities. An Islamic religious establishment is supported by government funds, and it is government policy to "infuse Islamic values" into the administration of Malaysia. However, the Constitution guarantees freedom of religion for all, and the Government has refused to accede to demands for the imposition of Islamic religious law in cases involving non-Muslims. Religious minorities, which include large Hindu, Buddhist, Sikh, and Christian communities, freely practice their faith without interference by the Government. Conversion is permitted, but proselytizing of Muslims is strongly discouraged.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Persons wishing to travel abroad must obtain passports, which have been denied in a few cases on what the Government terms security grounds. Travel to the Soviet Union and several Eastern bloc countries is restricted, although in 1985 controls on travel to some East European countries were reduced. Traditionally tight controls on travel of Malaysian Chinese to China also have been relaxed recently. They can visit China for medical treatment, to see relatives, to tour (if over age 60), and for business trips when they can satisfy the Government that such commerce will be of "net benefit" to Malaysia.

Malaysia has provided first asylum to more than 200,000 Vietnamese refugees since 1975. It has cooperated closely with international organizations and resettlement countries in facilitating the eventual movement of the refugees to those countries. Malaysia itself has resettled over 8,000 Khmer Muslim refugees, but has not accepted non-Muslim refugees for permanent settlement. At least 40,000 Philippine Muslims have permanently settled in Sabah since 1975, although they have not been offered citizenship.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Malaysia's parliamentary system is based on the British model. The Prime Minister and Cabinet are responsible to Parliament. Elections must be held at least once every 5 years. The

opposition concedes that elections to date have been free and fair; votes are cast secretly and recorded accurately. Through the United Malays National Organization, Malays dominate the ruling national front coalition of ethnic-based parties which has controlled Parliament since independence. Malays fill most important cabinet posts. The National Front parties benefit substantially from gerrymandered electoral districts. In August 1986, the National Front won 148 of the 177 seats in the House of Representatives. Although the opposition regularly criticizes the Government in Parliament, it rarely succeeds in influencing legislation.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Malaysian Government strongly resents criticism of its human rights record. In March ex-Foreign Minister Rithauddeen told Parliament that there was a "conspiracy" by Amnesty International to make Malaysia a target for pressure on human rights matters. He rejected any such criticism, maintaining it was the duty of all citizens to "counter efforts by outsiders to tarnish the country's image." He also struck out at local groups he claimed were "collaborating" with Amnesty International in its attention to Malaysia. While there are no organizations in Malaysia which deal specifically with the protection of human rights, a number of groups, including the Bar Council, a Muslim youth movement, and various public interest organizations, devote some time to the subject. The Government tolerates their activities but rarely responds to their inquiries or occasional press statements. The Government generally does not take an active role in international forums on human rights issues, maintaining that such issues are internal matters. However, the Prime Minister in particular has been very outspoken in criticism of South Africa for its apartheid policy.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Government implements on an extensive scale programs designed to boost the economic position of the ethnic Malay majority which remains poorer, on average, than other Malaysians despite its political dominance. As a result of these government programs and policies, non-Malay opportunities for education, government employment, and ownership of new homesteads are limited.

There are no restrictions on the political rights of Malaysian women. Government policy supports their full and equal participation in government, education, and the work force. The position of women in society is conditioned by the cultural and religious traditions of the country's major ethnic groups. With a general resurgence of Islamic piety among Malays, Malay women have in recent years tended toward close conformity with Koranic stipulations on women's roles.

CONDITIONS OF LABOR

Various government regulations are designed to ensure that workers enjoy acceptable conditions of work. Work hours are not to exceed 8 hours per day or 48 hours per week, and vacation time must be granted. Factories maintain minimum standards of industrial safety and insurance plans. Employers must provide

severance pay and contribute to the Employers Provident Fund (EPF) which provides retirement benefits. Some 90 percent of workers are covered by either the EPF or the government's own pension plan for public servants. However, there is no minimum wage except in a few minor occupations. In addition, many nonmanual employees paid over US$380 per month are not covered by the Employment Act.

Plantation work is increasingly being done by contract workers, many of whom may be illegal immigrants from Indonesia. Working conditions for contract workers are significantly below those of direct hire plantation workers, many of whom belong to the National Union of Plantation Workers. Additionally, many of the immigrant workers, particularly the illegal ones, may not have access to Malaysia's excellent judicial labor system.
Employment of children is covered by the Children and Young Persons (Employment) Act of 1966, which stipulates that no child under age 14 may be engaged in any employment except light work in a family enterprise, in public entertainment, work performed by the Government in a school or training institution, or employment as an approved apprentice. It is illegal for children to work more than 6 hours per day, more than 6 days per week, or at night.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MALAYSIA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	0.1	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.0	0.0
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.1	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.0	0.0
PEACE CORPS.....	0.1	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	10.9	5.0	2.4
LOANS.....	10.0	4.0	1.5
GRANTS.....	0.9	1.0	0.9
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	10.0	4.0	1.5
C.INTL MIL.ED.TRNG....	0.9	1.0	0.9
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	11.0	5.0	2.4
LOANS.....	10.0	4.0	1.5
GRANTS.....	1.0	1.0	0.9
OTHER US LOANS.....	1.9	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	1.9	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	200.2	250.2	418.5	3295.5
IBRD	70.0	89.8	331.1	2078.9
IFC	1.0	0.0	0.0	21.2
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	128.3	159.1	87.4	1137.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.9	1.3	0.0	45.2
OTHER-UN	0.0	0.0	0.0	13.2
EEC	0.0	0.0	0.0	0.0

MONGOLIA

Mongolia, or the Mongolian People's Republic, is a rigidly controlled Communist state. The Mongolian Communist party, the Mongolian People's Revolutionary Party (MPRP), is the only political party permitted to function. The leadership of the country is vested in a 10-person Politburo of the MPRP Central Committee headed by Jambyn Batmonh. Nominally, the People's Great Hural, or National Assembly, enacts the basic laws of the country. It meets for 3 days once each year. Between sessions, the Council of Ministers (Cabinet), issues current legislation.

The Soviet Union dominates Mongolia politically and economically. The Mongolian State is modeled on the Soviet system, and MPRP Leaders travel often to Moscow for consultations. The Soviets station approximately five combat divisions on Mongolian soil. As in the political arena, Mongolian economic life is shaped by the Soviet bloc: approximately 95 percent of Mongolia's foreign trade is conducted with the Soviet Union and Eastern Europe. Soviet involvement in the Mongolian economy is largely exploitative, particularly in the area of mining and mineral exporting. The Mongolian economy remains heavily agricultural with an emphasis on animal husbandry and animal products.

Little information is available concerning government control or treatment of Mongolian citizens. There are no known domestic opposition groups, and emigres are few. Much of what information is available comes from the Mongolian regime. The few resident diplomats and occasional visitors to Mongolia are mainly limited to the capital city (Ulaanbaatar). Travel to other parts of the country is restricted.

It is known, however, that Mongolian life and society are highly regimented. Few Mongolians are authorized to travel outside the Soviet bloc countries. Political opposition to the MPRP is not permitted. Freedoms guaranteed to the individual under the Mongolian Constitution, including speech, demonstration, and assembly, can be exercised only to "strengthen the Socialist state system." In effect, individual civil and political liberties do not exist and there is nothing to indicate that this situation is likely to change in the foreseeable future.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There is no information available concerning political killings in Mongolia.

b. Disappearance

There is no reliable information available concerning disappearance in Mongolia. High government officials occasionally are removed from office and drop from public view, and no information is released concerning their return to private life.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

No information is available concerning this subject.

d. Arbitrary Arrest, Detention, or Exile

No information is available on these subjects or on the subject of forced or compulsory labor.

e. Denial of Fair Public Trial

Current civil and criminal codes stipulate the right of the accused to judicial process, a legal defense, and public trial "except as stipulated by law." Closed proceedings are permitted in the case of crimes against the State. The civil code places a heavy emphasis on this category of crimes and the MPRP controls all legal systems.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The right to privacy of person, home, and correspondence is guaranteed in the Constitution, but there is no information available concerning the application of these rights by Mongolian authorities. Travel, as well as job and residence changes, are decided in accordance with economic needs as determined by the State.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech, but specifies that the exercise of individual rights must be to "strengthen the Socialist state system." Actions deemed by the MPRP to fall outside this guideline would likely result in arrest and detention. Criticism of the Government is not tolerated. Control is exercised through various government organizations, notably the People's Control Organization, extending down to the neighborhood committee level. The press serves primarily as a propaganda tool. Representatives of non-Communist foreign media are able to travel to Mongolia, but find it necessary to arrange their trips well in advance. Academic and artistic life also is tightly controlled in accordance with government policy.

b. Freedom of Peaceful Assembly and Association

Freedom of demonstration and assembly are guaranteed by the Constitution, but in practice only government-authorized organizations may assemble and the only demonstrations allowed are carefully orchestrated by government authorities.

The Constitution gives workers the right to organize professional and trade unions, but all are controlled and directed by the Government to promote its policies. While the Labor Law does not mention collective bargaining specifically, it does provide for the settlement of labor grievances by "Commissions for Labor Disputes" formed by local trade union councils and people's courts, and composed of equal numbers of trade union council representatives and enterprise managers. There is no information on how this has worked in practice.

c. Freedom of Religion

Freedom of religion exists in theory, but the current regime strictly controls religious activity through an Office of Religious Affairs attached to the Council of Ministers. Religion no longer plays any significant part in the lives of most Mongolians. Lamaism, which was a central force in Mongolian life prior to the establishment of the Communist Government, has been reduced to a few showcase monasteries and a handful of monks, the former serving primarily as showpieces for tourists and the latter as propagandists. Religious figures do not hold high positions in government. Nonetheless, the Asian Buddhists Conference for Peace maintains its headquarters in Ulaanbaatar.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Until recent years, few Mongolians traveled abroad, even to the Soviet Union. Foreign travel usually has been permitted only for official purposes, but government-sponsored education abroad has become increasingly common. In recent years, as many as 40,000 Mongolian youths have gone to the Soviet Union yearly for short training programs. Almost all travel abroad remains restricted to Soviet bloc countries. There is no known routine emigration from Mongolia.

All Mongolians over age 16 must have internal passports and must obtain permission from the Security Bureau in order to travel within the country. Attempts to change jobs or residences must be approved both by the Security Bureau and the People's Control Organization.

Although the 1978 Constitution guarantees the right "to reside in the territory of the MPR" to foreign citizens, Mongolian authorities in May 1983 began a systematic expulsion of ethnic Chinese, most of whom reside in and around Ulaanbaatar. Many of the 6,000 to 7,000 ethnic Chinese in Mongolia evidently were offered a choice between resettlement in the barren northern part of the country or expulsion to China. The Mongolian authorities claimed the expellees had no formal occupation and/or did not abide by Mongolian law, despite the fact that many of them had been living and working in Mongolia since the 1950's.

By late September 1983, over 2,000 Chinese had returned by train to the People's Republic of China. The expulsions continued in 1984, though apparently at a reduced rate. Some estimates place the number of Chinese who left Mongolia in 1984 at approximately 1,000. There is no accurate count of the number of ethnic Chinese remaining in Mongolia.

In line with the limited improvement of Sino-Mongolian relations in recent years, Mongolia reportedly ceased arbitrary expulsion of ethnic Chinese in 1985. A bilateral consular treaty regarding treatment of their nationals was signed by Mongolia and China in July 1986.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Mongolian People's Revolutionary Party does not tolerate political groups outside of its control. It is established on the Soviet model with a narrow pyramid of power topped by Party General Secretary Batmonh. Lower-ranking members of the

MPRP have no real ability to influence the decisions of their superiors. Elections are held at regular intervals, but only one candidate is listed for each office, so the choice is to vote for him or cross his name out. The 1986 election to the Great Hural brought into office a large group of younger officials in their 40's. Many elections purportedly result in a 99.9 percent turnout and the sole candidate regularly receives the entire vote. While there is no officially espoused policy of minority disenfranchisement, there is no evidence of religious persons occupying elite party or government positions, and only a few members of minorities do so.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Mongolia acceded to the United Nations Covenant on Civil and Political Rights in 1976. However, the Mongolian regime has consistently followed the Soviet human rights policy and practice, whether or not it is consistent with the Covenant. There have been no known opportunities for outside investigators to examine human rights practices. It is highly unlikely that Mongolian officials would permit such an investigation by any outside authority or organization. There is no known organization dedicated to the protection of human rights in Mongolia.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There appears to be little discrimination in education on the basis of race, sex, or religion.

Universal franchise and equal rights for women are official policy. According to government statistics, the percentage of women in the workforce rose from 30 to 46 percent between 1960 and 1980. From 1951 to 1986, the number of women deputies elected to the Great Hural, which has approximately 370 deputies, increased from 51 to 92. Women constitute 30.3 percent of the MPRP membership. Few women occupy positions of responsibility in the Government or in party structures. One woman is a member of the 10-person Presidium, the acting legislative body between sessions of the Great Hural. It is reported in Mongolian media that women hold high professional positions in institutions such as hospitals. The Mongolian Women's Committee is the only known organization devoted to women's interests. It is controlled by the MPRP, and its aims are unknown.

CONDITIONS OF LABOR

The Mongolian Labor Law sets a minimum work age and maximum work hours for all workers, and exhorts state enterprises to observe work safety requirements. Children under age 16 are not permitted to work, although those age 15 may work if allowed to by the local trade union committee. Those under 18 are prohibited from doing arduous work or from working in dangerous areas such as mining. The workday for adults is 8 hours, for those age 16-18 it is 7 hours, and for those age 15 it is 6 hours.

NAURU

Nauru, the world's smallest republic, consists of a single central Pacific island of 8.22 square miles with a population of approximately 8,000. As a League of Nations mandate and a United Nations trust territory, Nauru was administered by Australia on behalf of the Governments of Australia, New Zealand, and the United Kingdom. Upon independence on January 31, 1968, Nauru adopted a modified Westminster form of parliamentary democracy.

Nauru has two levels of government, the unicameral Parliament and the Nauru Local Government Council (NLGC), both popularly elected bodies. All Nauruans over the age of 20 are required to vote in parliamentary elections (21 is the minimum age in NLGC elections). The Parliament, consisting of 18 members from 8 constituencies, is elected at least every 3 years. It is responsible for national and international matters. The national government owns the Nauru Phosphate Corporation (NPC) and the national airline, Air Nauru. The NLGC acts as the local government and is responsible for the welfare of the Nauruan citizens. It also operates retail outlets, is the principal importer for the country, and owns a shipping line.

The President, who is both head of state and head of government, is elected by Parliament from among its members. He presides over a Cabinet of four or five ministers. There are no formal political parties; thus, the President must win and retain the support of a majority of individual parliamentarians. The economy is based on the exploitation and marketing of Nauru's rich phosphate deposits. The NPC's profits are the primary source of revenue for the Government (there are no consumption or income taxes). About 60 percent of the NPC's earnings are placed by the Government in long-term investments, the income from which will be used to support the Nauruans after the phosphate reserves have been exhausted. In the meantime the NPC pays rent to the owners of the land which it mines. Although the other large economic enterprises on Nauru (e.g., Air Nauru, the Nauru Corporation) also are owned by the Government or by the NLGC, several small, private businesses operate successfully.

Nauru has no armed forces, though it does maintain a police force of approximately 60 officers under civilian control. The courts are independent and effectively enforce the Constitution, which guarantees human rights.

There were no reports of human rights abuses during 1986.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political Killing

There were no reports of politically motivated killings.

b. Disappearance

There were no known instances of political disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

These practices are prohibited by the Constitution and this prohibition is respected.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and this prohibition is respected. The police cannot hold a person for more than 24 hours without a hearing before a magistrate. Exile is not practiced, though persons found to be "mentally disordered" by either two medical examiners or, in the case of a finding of not guilty due to mental incapacity, by a court, may be sent to appropriate medical facilities in Australia. However, upon discharge from such facilities, they may return to their places of original residence. Forced labor is forbidden by the Constitution, except as part of a sentence or court order.

e. Denial of Fair Public Trial

The Constitution guarantees both a fair hearing and a public trial. Defendants may have legal representation, and a representative will be appointed where, "in the interest of justice," one is required. Due to the paucity of trained lawyers Nauru, a legal representative might not be an attorney, but instead a trained paralegal, certified by the Government to plead cases in the courts.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Protection from these abuses generally is provided by the Constitution. However, permission for a Nauruan to marry a non-Nauruan must be obtained from the Nauru Local Government Council. Such permission has not always been forthcoming, though there were no reports of any refusals in 1986. Also, while most foreign workers may bring their families to Nauru for the duration of their 2-year contracts, this privilege is denied to Filipino workers.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of expression is guaranteed by the Nauruan Constitution. Nevertheless, the Island's one radio station and one (weekly) newspaper are owned and operated by the Government. While the parliamentary opposition, private groups, and individual persons may voice opposition to the Government, they do not usually receive local media coverage. The lack of an independent press, however, appears to be more a function of economy than of government policy; the small audience makes economic survival difficult for private media ventures. Foreign publications are freely available.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association is guaranteed in Nauru. However, there are no political parties nor trade unions on the Island. The transient nature of the foreign work force and the relative prosperity of the Nauruans minimize the motivation to organize the labor force.

c. Freedom of Religion

Freedom of religion is protected by the Constitution, and no official religion is recognized by the Government. Several different Christian denominations are established on the Island.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Nauruans are free to move and travel both domestically and internationally. Foreign workers must apply to their employers for permission to leave during the period of their contracts. They may break the contract and leave without permission but would lose their positions as a result. Foreign employees whose contracts are terminated by their employers must leave Nauru within 60 days in most cases.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Nauru is a democracy without organized political parties. Persons with diverse points of view run for and are elected to Parliament and to the NLGC. The current President, Hammer DeRoburt, has held office for most of the period since independence. Nevertheless, on three separate occasions Parliament has elected other persons as president (albeit they usually served only for short periods of time), and power has been transferred peacefully. In the next scheduled elections, in December 1986, no parliamentary seat is expected to be contested by fewer than two candidates.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There have been no allegations by outside organizations of human rights violations in Nauru nor any requests for investigations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution guarantees women the same freedoms and protections as men. They are provided equal opportunities by the Government in education and employment, and are free to own property and pursue private interests. However, some discrimination based on sex exists, in part based on traditional culture. For example, all members of Parliament and most senior officials and managers are men, though there is no legal bar to women obtaining these positions. In regional forums, the Government is a leading advocate of the advancement of women.

CONDITIONS OF LABOR

No information is available on Nauruan domestic labor legislation. Since the demand for skilled and unskilled labor as well as managerial talent exceeds the supply in the country, workers are recruited overseas. Each worker enters into a 2-year contract which sets out the terms and conditions of employment.

As virtually all foreign workers are under contract to the Government (and the government-owned NPC), the Government has total authority to terminate contracts and require workers to leave their jobs and the country. There have been rumors in the past that some workers' contracts were terminated capriciously. However, contract terms, including information about termination, are known to the workers before they agree to accept employment. There were no allegations of abuse of this power by the Government in 1986.

NEW ZEALAND

New Zealand's system of government is patterned on that of Great Britain, with executive authority vested in a 20-member cabinet led by the prime minister. Of the 95 members of the unicameral legislature, 4 are elected from a separate roll to represent the minority population of native Maoris.

Of New Zealand's population of 3,310,000, native Maoris of Polynesian origin number 295,000, and 96,000 are Polynesians from other Pacific Islands. The rights of the increasingly urbanized, disadvantaged, and activist Polynesian minority have been receiving increased public attention, and this concern has been institutionalized in the Ministry of Maori Affairs.

Real annual average economic growth has been low in recent years. However, the free enterprise economy affords the opportunity for a reasonable standard of living for most New Zealanders. Education is freely available to all.

In 1986 New Zealand continued its excellent record in the human rights field. New Zealanders continue to enjoy personal freedom, freedom of religion, freedom of the press, universal suffrage, and the rule of law. Respect for minority rights, concern for the economically deprived, and the humane treatment of prisoners are accepted principles.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Killing for political motives by the Government or by New Zealand political organizations does not occur.

b. Disappearance

There have been no instances of political disappearance.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The rights of those arrested in New Zealand are protected by law and observed in practice. Prisoners are provided access to legal assistance and allowed visits by family members. Food, facilities, and medical care are good. Prisoners are given the opportunity to work.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest, detention, and exile is guaranteed under New Zealand law and respected in practice. New Zealand law provides for a writ of habeas corpus. Persons arrested in New Zealand are charged promptly. Access to counsel is prompt, and legal aid is provided by the court to those who cannot afford to pay for a private attorney. New Zealand does not permit preventive detention or the use of forced or compulsory labor.

e. Denial of Fair Public Trial

New Zealand law guarantees a prompt, public trial. The rights

of the accused are scrupulously maintained and subject to public scrutiny. The judiciary operates independently of executive or legislative influence.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The right to privacy is guaranteed under New Zealand law. The Government does not violate the privacy of the individual, the sanctity of the home, or the integrity of correspondence.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and the press are guaranteed by New Zealand law and respected in practice. There are 150 newspapers and 590 magazines published. These cover the spectrum of political and social thought. The Government makes no attempt to censor the press, and opposition viewpoints are freely discussed.

b. Freedom of Peaceful Assembly and Association

There are no restrictions on peaceful assembly or association.

Independent labor unions, which in 1985 encompassed 41 percent of the work force, actively engage in recruiting members and in collective bargaining, and they have the right to strike. Public sector unions are in some cases precluded from engaging in strike action but generally only for reasons of public safety. Mediation and arbitration procedures are independent of government control. Unions freely maintain relations with international bodies and participate in bilateral exchanges.

c. Freedom of Religion

New Zealand enjoys a long tradition of religious tolerance. All faiths are given equal treatment under the law.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no controls upon citizens of New Zealand regarding internal movement or resettlement. Foreign travel is unrestricted, and the right to return is guaranteed. Within the limits of the nation's resources, New Zealand accepts and resettles refugees. Asylum requests are handled in the same manner as refugee cases.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The New Zealand Government is freely elected by its people. Two major parties, Labour and National, dominate the political scene and have alternately formed governments since the 1930's. There are other smaller parties and groups which are mostly devoted to limited and parochial issues, and are usually of little consequence in the national electoral process. Universal suffrage at 18 years of age and triennial elections provide the opportunity for citizens of New Zealand to change their government. There are no restrictions based upon race, sex, creed, or national origin which limit participation in the political process. Voting rates remain

high, and participation in political groups is common. Opposition groups have every opportunity to voice their views.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In the absence of allegations of abuse of human rights in New Zealand, no international or nongovernmental bodies have conducted investigations. New Zealand's endorsement of the principles of human rights is clearly demonstrated by its participation in local, national, and international bodies organized to protect human rights and prevent discrimination. Local human rights groups include governmental entities such as the New Zealand Human Rights Commission, the New Zealand Council for Civil Liberties, and private organizations such as the Citizens Association for Racial Equality, the New Zealand Chapter of the International Commission of Jurists, the Race Relations Conciliator, Amnesty International, and the National Organization of Women.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Despite the historical absence of overt discrimination, the Maori population, which is largely young and urbanized (90 percent now living in cities) remains marginally educated and economically disadvantaged. Notwithstanding the noteworthy success of some Maori and extensive intermarriage with Pakeha (Caucasians), the stresses of transferring from a rural, traditional society to an urban Western environment are evident in various social indicators. Concurrently, there has been a rise in Maori activism as well as development of some ethnic radicalism.

There is growing sensitivity to the status of women. In 1985, the Labour Government established a Ministry of Women's Affairs and also ratified the U.N. Convention for the Elimination of All Forms of Discrimination Against Women. In addition, the Human Rights Commission (established in 1977 by the Human Rights Commission Act) continues to hear complaints about most forms of discrimination. The largest category of complaints concerns discrimination against women in employment.

CONDITIONS OF LABOR

New Zealand enforces a 40-hour work week and a minimum 3-week annual paid vacation for all employees, in addition to 11 paid public holidays. Children under age 16 cannot be employed without special government approval and must not work at all between 10 p.m. and 6 a.m. The hourly minimum wage is about US$2.10. Acceptable conditions of work are guaranteed both by national statute, such as the Machinery Act that requires secure fencing around most moving and dangerous parts of machines, and by safety, health, and welfare provisions included in collective agreements.

PAPUA NEW GUINEA

Papua New Guinea, the largest and most populous nation in the southern Pacific, covers half of the second largest island in the world plus additional islands to the north and east, together constituting a large portion of the cultural area commonly referred to as Melanesia. It has a federal, parliamentary form of government with a unicameral legislature. Political legitimacy rests on popular will expressed by majority vote in accordance with a Constitution embodying extensive public consultation and Melanesian tradition, which in general accords prestige based on individual accomplishments rather than heredity. The military, police, and intelligence services are under civilian control. Transfers of power since independence in 1975 have been peaceful and in keeping with the Constitution. In November 1985, Papua New Guinea experienced its third peaceful change of government since independence after a parliamentary vote of no confidence in Prime Minister Michael Somare. A new Government headed by Prime Minister Paias Wingti has been in power ever since. Also in November 1985, the Government terminated a state of emergency and curfew imposed 6 months earlier in response to widespread crime.

A special problem is presented by more than 10,000 people from Irian Jaya who have illegally crossed into Papua New Guinea and who are now living in camps near the border. The Government has asked the assistance of the United Nations High Commisioner for Refugees (UNHCR) in determining which of these people are refugees. It is encouraging voluntary repatriation of the others.

The economic system has three parts: the traditional, rural, subsistence economy which supports about 80 percent of the population; the privately controlled money economy; and enterprises in which the Government has invested. The private sector produces most of the wealth and provides three-fourths of government revenues; most of the remainder is aid from Australia. Papua New Guinea has major mineral, timber, and hydroelectric resources which are only just beginning to be developed.

In 1986, as in previous years, no noteworthy human rights violations occurred in Papua New Guinea. A network of social and political institutions, including vigorous parliamentary democracy, a concerned and growing legal profession, active churches, a lively free press, and an increasingly informed citizenry are effective in maintaining human rights

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Neither the Government nor any opposition group has resorted to political killing.

b. Disappearance

There were no reports of politically motivated disappearance.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids torture and cruel or degrading treatment. The prison population is one of the highest per capita in the world, due to the nation's unusually high crime rate. However, prisoners generally are treated fairly and humanely. The public, press, and clergy are keenly sensitive to allegations of police misbehavior. The courts and Ombudsman Commission investigate the small number of complaints and intervene when abuses are discovered. Civil damages have been awarded and offending officials punished in such cases.

d. Arbitrary Arrest, Detention, or Exile

Politically motivated arrests do not occur, and the courts vigorously enforce constitutional protections against arbitrary arrest or detention. Exile is not practiced. Warrants are required for arrests. Suspects have free access to a lawyer of their choice, and, in serious cases, counsel is provided at state expense. Suspects and their counsel are informed of charges and have the right to judicial review of detention. A reasonable bail is allowed, except when a judge rules that the risk of flight or further crime warrants detention. The Constitution forbids slavery and slave trade in all forms including forced or compulsory labor, except when the latter is imposed as a condition of sentence after due process of law.

e. Denial of Fair Public Trial

The right to a fair, public trial is strictly observed. Defendants are represented by counsel. A high crime rate and a shortage of funds, police, and judicial personnel have caused the time spent awaiting trial for serious offenses to increase in recent years. Provision is made for writs of habeas corpus. Persons may not be held without trial for more than 6 months. The courts are free from executive, political, or military interference. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Sanctity of the home and family and privacy of correspondence are observed.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

An independent press, effective constitutional guarantees, and a functioning democratic political system combine to insure freedom of speech and press. The state-owned radio gives significant coverage to the statements of opposition politicians. Pornography is prohibited. Films are censored for suitability and classification based on sexual explicitness and degree of violence. Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The rights of association, to engage in collective bargaining, to join industrial organizations, and to seek employment are legally guaranteed and protected by the Constitution and are

freely exercised. Although there is a legal requirement that a permit be obtained before a demonstration, no application has been denied recently. Labor unions are protected by law and are active and important in the country's economic and political life. Over 50 trade unions exist, among which the most significant are the various public employees' associations, the two mineworkers' unions, and the dockworkers' union. The private sector unions are free to strike and do so regularly. Papua New Guinea is a member of the International Labor Organization, and union executives often attend international councils. Employers' associations also flourish.

c. Freedom of Religion

Freedom of religion is guaranteed by law. There are no controls on the practice of religion and there is no religious discrimination. A wide variety of indigenous and Christian denominations flourish. Missionaries are allowed to work freely in the country.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement of Papua New Guinea citizens within, into, and out of the country is not restricted by law. Naturalization is available to foreign residents who satisfy a residence requirement and are sponsored by a village; it can be revoked only for fraud. Freedom of movement was curtailed temporarily by the curfew imposed from June to November 1985 to combat crime. The measure was based on the emergency provisions of the Constitution and was exceedingly popular, but was, nevertheless, challenged by legal specialists concerned about human rights. There were some allegations of abuse of police power in connection with the heightened surveillance which accompanied the emergency, as well as considerable sentiment on the part of many citizens that the police should be tougher. Charges of police abuse have been actively investigated. Armed conflict between tribal groups remains a serious problem in the Highlands region where one-third of the population lives. Although its origins are traditional, many experts believe that continued tribal fighting is a reaction to the increasingly impersonal governmental structure and court system. The use of firearms in tribal fights, in addition to axes and bows and arrows, is increasing. Recently the Prime Minister persuaded four provincial premiers in the Highlands region to ban sales of alcohol in an effort to control its very destructive consequences.

The new Government of Paias Wingti inaugurated a revised policy toward the approximately 10,000 people from Irian Jaya living in camps along the border and the related Irian Jaya separatist movement, Organizasi Papua Merdeka (Free Papua Movement) or OPM. The Government has announced its intention to sign the U.N. Convention on Refugees and invited the UNHCR to play a major role in determining which of the border crossers are politically motivated. At the same time, the Government is cooperating with the Indonesian authorities to encourage voluntary repatriation of those border crossers--probably the majority--who do not fear persecution should they return. In addition the Government is planning to resettle the border crossers from the 14 border camps where they are currently located to 2 large settlements further away from the border, where it will be less expensive to supply them and where they can in time more easily support themselves.

This resettlement is likely to be a long and expensive process. The Government has continued to express concern about the activities of the OPM. It has repeatedly emphasized that it will not allow Papua New Guinea to be used as a base for OPM guerilla operations into Indonesian territory. On the other hand, the Government remains sensitive to those who argue that it has a moral responsibility to provide permanent asylum or find asylum in third countries for politically motivated border crossers and to support their cause against the Government of Indonesia. The Government has repeatedly stated it will (with the help of the UNHCR) consider the effects of repatriation on a case-by-case basis and not forcibly repatriate anyone judged to be a refugee.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Papua New Guinea has a unicameral legislature composed of representatives from 19 provinces and the national capital. None of the seven organized parties has an absolute parliamentary majority. The present Government is a coalition of five parties. Politics are marked by keen competition for elected offices and loose party structures. Parliamentarians can and occasionally do cross party lines during votes. Any citizen can run for Parliament, and several members are foreign born. Three peaceful changes of government have taken place since independence. Preparations currently are under way for national elections, which must be held by June 1987, 5 years after the date of the previous election. Candidates have already commenced active campaigning. It is likely that, as in the past, the 1987 election will result in a substantial turnover in the membership of the National Parliament. The Ombudsman Commission monitors campaign contributions.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Although there have been no allegations by international or nongovernmental agencies of human rights violations, local politicians and some private groups have criticized the Government for not doing more to improve the lot of illegal border crossers from Irian Jaya who live in the temporary camps near the border. The UNHCR office in Port Moresby contributes towards the provision of minimal necessities for border crossers, and, as noted above, is actively involved in the process of determining which ones are politically motivated refugees. No domestic human rights monitoring group exists, but several outside groups have been permitted to visit border camps and have reported on them. The Ombudsman Commission and the courts take legal action against abuses when discovered, and the press and concerned politicians have been quick to publicize alleged governmental shortcomings.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

In part because of its extreme ethnic diversity, Papua New Guinea is not dominated by any one ethnic group or geographic region, and the democratically elected government cannot afford to display ethnic favoritism. Authoritarian control by a single individual, region, or ethnic group would be intolerable to the majority. Papua New Guinea's social and

economic disparities are the result of historic and geographic conditions, not of discriminatory policy.

Women have equal rights before the law and their status is gradually improving, but they still face difficulties. Wife-beating is said to be widespread, but it is rarely brought to the attention of the authorities. In urban areas, rape, along with other violent crimes, is a problem of increasing severity. In the village, women are protected by their kin, but attacks on women are a common feature of intertribal conflict. Against the background of traditional male dominance, the achievements of women in Papua New Guinea are significant. Some have become doctors, lawyers, and office directors. The Permanent Secretary for Labor and the head of the Education Commission are women. One woman is a member of the National Parliament and Minister for Civil Aviation, Culture, and Tourism. Several hold seats in provincial assemblies.

CONDITIONS OF LABOR

The Department of Labor is responsible for the enforcement of laws and regulations concerning safety, health, and working conditions. It regularly conducts industrial visits. Working hour limitations, rest periods, holidays, leave, wages, and compensation are regulated by the Employment Act of 1978. Under the Act, minimum wages are established by the Minimum Wages Board. These vary by industry and types of work, and whether or not work is performed in an urban or rural area. Standard hours of work are regulated as well and, although variable for some occupations, may not exceed 42 hours per week in an urban area or 44 hours in a rural environment. Children under the age of 11 may not be employed outside a family relationship. Children between the ages of 11 and 16 may be employed only with parental permission, a medical clearance, and a work permit from a labor office. Except in agriculture, such employment is very rare according to the Papua New Guinea Department of Labor.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: PAPUA NEW GUINEA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	0.8	0.9	0.9
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.8	0.9	0.9
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.8	0.9	0.9
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.8	0.9	0.9
PEACE CORPS.....	0.8	0.9	0.9
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.1	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.1	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.1	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.8	1.0	0.9
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.8	1.0	0.9
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	65.2	54.7	118.7	698.0
IBRD	49.3	9.7	74.9	279.0
IFC	0.0	0.0	0.0	7.6
IDA	0.0	0.0	0.0	113.2
IDB	0.0	0.0	0.0	0.0
ADB	15.0	44.3	43.8	265.2
AFDB	0.0	0.0	0.0	0.0
UNDP	0.9	0.7	0.0	16.0
OTHER-UN	0.0	0.0	0.0	2.1
EEC	0.0	0.0	0.0	14.9

THE PHILIPPINES

Tumultuous events in February 1986 led to a peaceful transfer of power from the authoritarian regime of former President Marcos to a new democratic Government dedicated to political and economic reform. Assuming office in the aftermath of elections marked by widespread fraud and intimidation, President Corazon Aquino has moved to restore the rule of law and respect for human rights.

The Aquino Government has ruled by executive decree since its suspension of the nation's 1973 Constitution and appointment of a Constitutional Commission to draft a new charter. The proposed constitution, including due process safeguards designed to prevent the recurrence of abuses perpetrated during 14 years of martial law, will be the subject of a national plebiscite scheduled for February 2, 1987.

During 1986 the Aquino Government promulgated executive orders recognizing key civil rights, including the restoration of the writ of habeas corpus and reinstatement of protections against unreasonable search and seizure. Its commitment to human rights was dramatically demonstrated by the release of over 600 political detainees and the establishment of a Presidential Commission on Human Rights. Freedom of speech and association were reaffirmed as an uncensored press contributed to revitalized political activity.

Restoration of civil rights occurred in the shadow of an armed Communist insurgency active in most of the country's 73 provinces. The signing of a 60-day ceasefire and commencement of substantive talks at year's end raised modest hopes for an end to 18 years of civil war. Complementing its success in negotiating a ceasefire with the Communists, the Government also began negotiations with armed Muslim separatists in the Sulu Archipelago and parts of Mindanao.

Economic revitalization was a chief priority during the Aquino Government's first year in office. Reform of wasteful, corrupt, and inefficient practices indulged in during the Marcos years contributed to reversing three successive years of economic decline. Government statistics indicate that inflation has been reduced, capital flight stemmed, and modest economic growth restored. Nevertheless, much remains to be done to foster business confidence and attract the investment needed to restore high levels of economic growth.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Political killings are alleged to occur regularly in areas where the Communist New People's Army (NPA) is actively engaged in combat with government forces. Confrontations between armed forces occur frequently and an accurate estimate of fatalities is difficult. The gathering of reliable statistics on the incidence of politically motivated killing is further complicated by the common use of violence for both personal and political purposes. Distinctions between common criminal activity, personal vendettas, unauthorized reprisals, and legitimate counterinsurgency operations are often blurred.

THE PHILIPPINES

Several human rights groups regularly report politically inspired killings by military security forces. One of these, Task Force Detainees (TFD), is a politically active, Catholic church-related group which investigates and compiles statistics only on alleged government violations of human rights. TFD does not document alleged atrocities committed by the NPA, a policy which reinforces reports that TFD has significant links to Communist elements.

A ceasefire agreement between the Government and the NPA which took effect December 10 raised hopes for a significant reduction in killings by both sides. The stated purpose of this agreement was to establish a positive atmosphere for substantive peace talks. Work on an agenda for future negotiations began December 23.

The Presidential Commission on Human Rights (PCHR) received complaints of 69 "salvagings" or summary executions by Government officials during the first 11 months of 1986. However, only one of the resulting investigations has been completed. The Ministry of National Defense (MND) reported that it had received 19 reports of "salvagings" committed by military personnel during the first 10 months of the year. These allegations are currently under investigation.

In the 9 months ending September 30, TFD cites 88 "salvagings." Fifty-four deaths are attributed to military personnel, including Civil Home Defense Forces (CHDF), while the remainder are alleged to have resulted from the activities of private armies, religious fanatics, and other unidentified persons. TFD alleged a total of 238 salvagings during the same period in 1985.

TFD also reports that 138 persons were killed in massacres, defined as "politically motivated killing of three or more persons within the same span by police/military/paramilitary authorities by means of strafing, bombing, and other related acts." The characterization of this latter category of killings as human rights violations is debatable, however, because the TFD's definition of "massacre" appears to encompass situations where civilians are caught in the cross fire of counterinsurgency operations.

Politically motivated killings by CHDF and other paramilitary forces, including armed religious cults and private armies, continued in 1986. These forces operate in the local community, often without direct control or supervision from the New Armed Forces of the Philippines (NAFP). They are concentrated in areas where insurgents are active. The Government acknowledges abuses by the CHDF during the Marcos era and has undertaken to reform recruitment, training, and control of the CHDF, including discipline and replacement of abusive personnel. Human rights organizations have joined the PCHR in urging the abolition of the CHDF on grounds that they constitute extralegal vigilante groups used to perpetuate social and economic inequities. In Negros, for example, sugar plantation owners allegedly use private armed forces to control restless sugar workers. Most segments of the Government, including the military, nonetheless believe that the CHDF play an important role in the counterinsurgency effort and supplement the regular military's limited resources for affording protection to local residents. For their part, the insurgents use many forms of violence to further their political goals. To attain control of an area and substitute its own "revolutionary" government, the NPA uses intimidation,

kidnaping, and assassination against government officials, businessmen, and other civilians who resist. Communist presence and/or influence in a village is frequently evidenced by the assassination of local government officials and police. Corrupt and abusive officials are often killed first, both as an example and as a method to win support of the people. Those who resist Communist efforts to assert control, any person suspected of informing for the Government, and NPA defectors run the risk of assassination.

The MND reports that the NPA was involved in 2,382 violent activities, including raids, ambushes, liquidations, kidnapings, bombings, and arson during the first 10 months of 1986. These incidents resulted in the killing of 842 military, police, and paramilitary personnel as well as the deaths of 756 civilians. These insurgent operations further resulted in 1,123 injuries overall. Muslim rebel groups were involved in 276 violent incidents which resulted in 224 deaths and 340 injuries.

The presidential elections held in February were marred by violence and killings, some allegedly perpetrated by government security forces and private armies under the control of local officials. The most publicized incident was the February 11 assassination of Evelio B. Javier, former governor of Antique. The National Citizens Movement for Free Elections (NAMFREL), accredited by the Government as a pollwatcher, documented 750 cases of intimidation and violence perpetrated mostly against NAMFREL volunteers, opposition supporters, board of election inspectors, and the voting public. Four NAMFREL volunteers died in election-related incidents and 160 others sustained physical injuries.

In November prominent labor leader and political activist Rolando Olalia was murdered in Manila. Olalia's outspoken advocacy of leftist causes raised suspicions that his murder was politically motivated. President Aquino has publicly condemned those responsible for the killing and authorized an intensive investigation to locate his assassins. A noncommissioned officer in the Military Intelligence Group was apprehended on December 16 and has been placed in pretrial confinement.

b. Disappearance

The PCHR has received 19 complaints of politically motivated disappearance through December 8. This figure compares with TFD's claim that 43 disappearances occurred in the 9 months ending September 30. Both statistics suggest that the incidence of politically motivated disappearances has abated substantially since the accession of the Aquino Government. TFD reported 189 disappearances in 1985.

Altogether, TFD claims that 619 persons disappeared during the Marcos years. Only a fraction of these cases have as yet been made the subject of an investigation by the PCHR. An independent organization, Families of Victims of Involuntary Disappearances (FIND), has been created to investigate the disappearance of family members, but it has made little progress to date.

Hostage-taking for ransom or publicity is a common practice among armed Muslim groups in Mindanao. During 1986 a French priest, 10 Filipino Carmelite nuns, and an American missionary were abducted in the vicinity of Marawi by captors believed to

be connected to one of the region's rival Muslim political factions. A Swiss tourist was kidnaped in Zamboanga City and held for 3 months before his release. In all cases, the victims were released unharmed with no ransom paid. Philippine law enforcement agencies currently are investigating the unresolved November 1986 kidnaping of a prominent Japanese businessman. The Aquino Government has been unsuccessful in ascertaining the fate of the leftist priest Father Rudy Romano, whose July 1985 disappearance in Cebu continues to elicit considerable international concern. Nonetheless, a military tribunal has been convened and preliminary hearings held to try armed forces intelligence agents alleged to have participated in his kidnaping.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Twenty-seven allegations of torture have been filed with the PCHR through December 8. TFD, however, claims to have documented 238 incidents of torture during the first 9 months of the year. The TFD figure is still much less than the approximately 780 cases alleged by TFD in 1985--a reduction largely attributable to President Aquino's outspoken opposition to the use of torture by government security forces. The use of "safe houses" as sites for torture of detainees by government intelligence personnel has reportedly ended, although some military personnel associated with the perpetration of such abuse remain on active duty.

Philippine human rights groups nonetheless continue to allege that torture and related abuses by the military are prevalent in areas where government forces are actively engaged in counterinsurgency operations. They claim that innocent farmers in insurgent-influenced areas are detained and tortured by military officials seeking information on rebel activity.

Such claims notwithstanding, there is no evidence to suggest that such occurrences are presently widespread, systematic, or condoned at senior military levels. While abuses may still occur sporadically in the field, the MND is engaged in an educational campaign to improve military treatment of civilians. Officers have attended seminars and workshops stressing human rights and their role in communicating respect for those values to soldiers under their command. Commanding officers are held responsible for the behavior of their troops and have been granted increased discretion to discipline their men for infractions. In an effort to deter abusive behavior, the Aquino Government has focused attention, albeit with severely limited resources, on improved living conditions for the common soldier. Some human rights advocates credit the military for an increased responsiveness to allegations of abuse. They report that many complaints to the MND have resulted in prompt investigation and action.

Although physical punishment is not officially allowed under the Philippine penal system, there are reports that it frequently occurs in jails and prisons. Philippine prison conditions are harsh and charges of police brutality common. Despite administrative controls, persons in police custody are often beaten, either to extract confessions or in retaliation for perceived actions against the police.

d. Arbitrary Arrest, Detention, or Exile

Among the most commonly alleged human rights violations under the Marcos regime were arbitrary arrests and so-called "preventive" detention in purported defense of national security. Upon assuming power, President Aquino quickly repealed the grant of authority under which these detentions occurred, restored the writ of habeas corpus, and released over 600 political prisoners detained under the previous regime. The release of these prisoners, including several prominent Communist leaders, did not, however, constitute a pardon for any crimes they may have committed, and a decision whether to prosecute some of them is currently pending. Despite its decision to release detainees held for political offenses, the Aquino Government has been criticized by the TFD for the continued detention of some 400 persons whose convictions for crimes such as unlawful possession of firearms, arson, and kidnaping purportedly are associated with the furtherance of political objectives. A committee established to review this issue has recommended that President Aquino pardon prisoners convicted of such crimes committed before February 25, 1986. Local prosecutors and judges presently are reviewing disputed cases.

The PCHR received eight complaints of illegal arrest or detention in the first 11 months of 1986. TFD reported a total of 603 politically motivated arrests in the 9 months ending September 30, down from 5,967 in 1985. Since TFD defines arrest as "the taking or seizing of a person with or without warrant," this figure is not restricted to illegal arrests. The MND reports that, as of October 15, there were 15 detainees held on charges of rebellion. No persons are in detention who were arrested under a presidential commitment order or a preventive detention action. In October 1986, police arrested Rodolfo Salas, the alleged former leader of the Communist Party of the Philippines (CPP). The Government promptly filed rebellion charges against him, stemming from his activities both before and after the fall of the Marcos regime. Salas is presently being held in military custody pending trial on any or all of these charges. His wife and security guard, who were arrested at the same time, were released on their own recognizance.

The current policy of the Philippine Constabulary requires charges to be filed within 6 to 18 hours after a person is taken into police custody, depending on the seriousness of the crime. While Philippine law contains procedural safeguards protecting the rights of accused criminals, including provisions for bail, persons are often denied access to legal counsel and frequently detained on false charges.

With the repeal of authority to detain suspects preventively and the restoration of the writ of habeas corpus, persons are generally now charged promptly after their arrest. Persons suspected of being rebels constitute a prominent exception to the rule and commonly are detained without charge and questioned for a period of up to several days. This practice has gained currency because military officials believe that it is futile to arrest rebels who would flee the area after being released on bail. Usually, suspected NPA partisans are released without arrest. Human rights lawyers criticize this military practice, arguing that law enforcement officials grew unaccustomed to observing due process during martial law and no longer know how to gather sufficient evidence to make a legal arrest and to convince a judge to deny bail.

The new Supreme Court has signaled its intent that the police adhere to procedural safeguards. In September it issued a decision resulting in the acquittal of a suspected rebel arrested without a warrant. The Court strongly warned law enforcement agencies to observe proscriptions against unlawful arrests and illegal search and seizure.

There is no evidence that Philippine authorities systematically use internal or foreign exile of undesired persons for political purposes. Nor is there evidence of compulsory or forced labor.

e. Denial of Fair Public Trial

During the Marcos administration, the Philippine judiciary was widely perceived to be subject to political influence and corruption. The Aquino Government has overhauled judicial institutions and established a committee to review judges, recommending those who should be replaced for reasons of incompetence or corruption and proposing replacements. As of October 1, the Government had reviewed and reformed the Supreme Court, Appellate Court, and Sandiganbayan (or antigraft) Court, relieving and replacing judges suborned in the administration of martial law. These dislocations have aggravated chronic docketing delays which regularly prolong judicial proceedings for years. Human rights organizations have criticized the practice of trying military personnel, police, and firefighters in military courts rather than before civilian tribunals, regardless of whether the offense is or is not service related. These groups claim that such special judicial treatment insulates military personnel and encourages a more lenient standard of justice. Responding to these concerns, the Government has proposed that the civilian court system be given jurisdiction over all offenses committed by police and nonservice-related offenses committed by members of the armed forces.

On the petition of lawyers representing the family of the convicted assassin, the Supreme Court has ordered a new trial in the controversial acquittal of Fabian Ver, former Chief of Staff, and others accused in the 1983 slaying of opposition leader Benigno Aquino. The Court acted on the recommendation of a government commission, which found the earlier proceeding flawed by the denial of due process, and concurred in its finding that a new trial would not violate protections against double jeopardy.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Overt government interference with family life is minimal. Parents are free to raise their children as they see fit. Religious practices and political affiliation, with the notable exception of membership in the outlawed CPP, is unregulated. The Government does not interfere with free personal use of the mails or other public communication systems. A newly reconstituted Supreme Court has recently upheld the prohibition against unlawful searches and seizures.

Shortly after assuming office, President Aquino established a Presidential Commission on Good Government (PCGG) to investigate alleged misappropriation of government funds by former President Marcos and his close associates. Critics argue that the PCGG's subsequent sequestration of properties pending a disposition of charges constitutes a violation of

due process. The proposed constitution provides that property under sequestration, or subsequently sequestered within a period of 6 months after ratification, must be returned to its owners' control if no judicial disposition to the contrary is made within 18 months.

Military engagements between government forces and insurgent elements have resulted in the widespread displacement of civilians. While some of these movements are of long duration, such as the resettlement of Muslim communities in the southern Philippines, brief displacements lasting only a few days are more common. The Philippine Red Cross and the International Committee of the Red Cross have programs to assist persons forced to evacuate combat zones.

Human rights groups allege that military units have sought to isolate insurgent forces from their rural support base by imposing food blockades and forcibly resettling, or "hamletting," entire communities against their will. Communist-influenced areas of the Cagayan Valley, the Bicol area of Luzon, Samar, Negros Islands in the Visayas, and troubled areas of Mindanao are frequently cited as affected regions. While the displacement of rural populations is an irrefutable phenomenon, there is no reliable evidence that the Government is pursuing any concerted resettlement policy. Furthermore, it is unclear whether people are leaving combat areas against their will or, if so, whether these movements are occasioned by government or insurgent forces.

The PCHR has received three complaints of forced evacuation and three complaints of hamletting. TFD alleges seven incidents of hamletting, defined as "forcible transfer of communities which the military consider as dissidents' sanctuaries." TFD further claims 34 incidents of mass evacuation, liberally defined as the "massive transfer of people from [their place of] residence to another area because of direct military orders or [from] fear caused by military operations." Armed Forces Chief of Staff Ramos has ordered an investigation of such allegations.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Restrictions on freedom of expression in the Philippines were lifted in 1986 for the first time in nearly 14 years. The Aquino Government tolerates criticism of its policies, permitting the expression of dissent on government-owned televison and radio stations. While allowing their continued operation, the Government has sequestered the assets of several newspapers, radio, and television stations directly or indirectly owned by relatives and close associates of former President Marcos.

Radio is an important news source throughout the Philippines, reaching more than 70 percent of all households. Independent radio operators have multiplied under the Aquino Government. Several provincial stations, influenced by Marcos associates from overseas, engage in frequent criticism of the Government, while other stations reflect a leftist political orientation. Radio Veritas, a church-owned radio station, was one of the few sources of independent news coverage under the Marcos regime and played a prominent role in informing public opinion during the change in government.

THE PHILIPPINES

The Philippine public has access to many major uncensored international news publications, as well as some foreign radio and television broadcasting. Foreign journalists were largely unhindered in reporting events. Several major U.S. newspapers and one television network have bureaus in Manila.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association was widely observed in 1986. A broad range of private, professional, religious, social, charitable, and political organizations flourish in the Philippines. Countless popular and civic organizations exist and meet regularly.

Permits from local authorities are required for outdoor demonstrations in public places, but rallies and marches often are held without permits. The Aquino Government, itself the product of public sentiment popularized as "People Power," has observed a liberal policy allowing demonstrations in all but the most provocative circumstances. Adroitly defusing a political challenge by supporters of former President Marcos at the Manila Hotel in July, the Aquino Government has nonetheless permitted continued criticism of its policies by Marcos loyalists in regularly scheduled rallies throughout the country.

The Aquino Government respects the right of labor to organize, to elect representatives, and call strikes in pursuit of improved conditions of labor. Work stoppages were common during 1986. The Government regularly enjoined the police and military from interfering with pickets. The Aquino Government has neither dissolved, suspended, nor threatened such action against any trade union. Indeed, the Government offered its assistance to trade unions through a labor conciliation office operated by the Ministry of Labor and Employment (MOLE).

Trade unions claim nearly 5 million members, including 2.7 million members in the National Congress of Farmers (NCFO). Membership in the NCFO is often nominal, and its nonrural membership of approximately 2 million is probably exaggerated. Union membership as a percent of the urban work force probably ranges from 10 to 12 percent.

Through August 1986, 243 new unions were registered, up from 192 for all of 1985. The Trade Union Congress of the Philippines (TUCP) is affiliated with the International Confederation of Free Trade Unions (ICFTU) while the smaller Federation of Free Workers (FFW-Tan Wing) is affiliated with the World Confederation of Labor. Three national union bodies in the Philippines are affiliated with the World Federation of Trade Unions (WFTU). Independent unions are affiliated with their respective international trade secretariats.

The Communist-influenced Kilusang Mayo Uno (May First Movement or KMU) is the only significant labor organization tied to a political party. Under recently assassinated Rolando Olalia, the KMU helped found the Communist-controlled Partido ng Bayan (PNB) or People's Party. Even though many of its affiliates are led by non-Communists, the KMU followed the Communist lead in boycotting the February elections. The TUCP, however, endorsed the citizens' watchdog group, NAMFREL, during the February presidential election campaign, and fielded 7,000 volunteers for it. Trade unions in the Philippines are relatively independent of government influence. They and their properties enjoy tax exempt status.

c. Freedom of Religion

Although over 80 percent of the population is Roman Catholic, there is no established state religion. Freedom of religion is fully respected, and no official discrimination is practiced against any religious group.

The country's sizable Muslim minority, a number of Protestant groups, and the indigenous Iglesia ni Kristo (a sect unique to the Philippines) enjoy full religious freedom. Members of the Philippine Chinese community follow their traditional faiths while many smaller cultural groups follow animistic religious practices. Foreign clergymen and missionaries of various faiths regularly discharge their duties without difficulty.

Religious minorities are represented among the leadership and rank and file of broad-based political parties. Government service is open to all on a nondiscriminatory basis, and senior civil and military officials belong to minority religious and cultural groups.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Filipinos enjoy freedom to change their place of residence and employment. They regularly travel abroad and emigration is freely permitted. Philippine nationals are frequently employed overseas, particularly in the Middle East. Many political exiles who fled the country during the Marcos years in power have returned to the Philippines. In a notable exception to its general practice, the Aquino Government has revoked the passports, and thus prevented the repatriation, of former President Marcos, his family, and close associates. In addition, several hundred people closely connected with the Marcos Government are presently barred from leaving the country on account of ongoing investigations into their alleged misconduct under the former regime.

While not accepting refugees for resettlement, the Philippines does not turn away refugees who may arrive on its shores. As of September 30, there were 2,993 Indochinese in a first asylum camp in Palawan. In addition to providing first asylum for "boat people," the Government is cooperating with the United Nations High Commissioner for Refugees by permitting the operation of a major refugee processing center in Bataan province. Here nearly 10,000 refugees and other displaced persons receive language instruction, cultural orientation, and vocational training before being resettled elsewhere.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

President Corazon Aquino assumed power on February 25, 1986, capping a remarkable succession of events forcing former President Marcos to flee the country after 20 years of autocratic rule. The "People's Power" revolution which toppled the Marcos regime followed a presidential election February 7 that many Filipinos and foreign observers claimed to have been marred by fraud perpetrated by supporters of former President Marcos. NAMFREL estimated that 4.8 million voters were disenfranchised or prevented from voting. A U.S. observer delegation witnessed "disturbing ... efforts to undermine the integrity of (the) process, both during the voting and vote counting process." After the National Assembly declared President Marcos the winner, the Minister of

Defense joined forces with the acting Chief of Staff to initiate a military revolt joined by thousands of civilians supporting Corazon Aquino.

The Aquino Government derives its legitimacy from its triumph in the February election and from manifestations of popular support immediately thereafter. On March 25, President Aquino issued Proclamation No. 3, known as the "Freedom Constitution," which remains the legal basis for her administration. The decree establishes an interim charter retaining most of the 1973 Constitution and existing laws, while abolishing the National Assembly. The Aquino Government substituted officers-in-charge for local officials appointed by President Marcos to terms of office expiring in March 1986.

President Aquino has made substantial progress toward her goal of restoring constitutional democratic rule to the Philippines during her first year in office. A Presidential Commission has completed work on the proposed text of a new constitution which will be submitted for ratification by popular vote on February 2, 1987. In accordance with provisions of that charter, elections for a new bicameral congress are scheduled for May 11, 1987 with balloting for local officials to follow.

Pending adoption of the new constitution, President Aquino continues to legislate by executive order subject to observance of civil rights guaranteed by the 1973 Constitution. She prefers to wait until the congress is in place to consider major legislative initiatives, and argued against addressing legislative matters in the proposed constitution.

The proposed constitution establishes a presidential system of government similar to that in existence before the 1972 declaration of martial law. The framers have carefully limited the power of the president and established a strong bicameral legislature and independent local governments to discourage the assumption of extraordinary powers as exercised by former President Marcos. The constitution recognizes minority demands by establishing autonomous regions in Muslim areas of Sulu and Mindanao and in indigenous regions of northern Luzon. Institutions of autonomous government will be implemented by the new national legislature.

Political party organization is proceeding rapidly as political entities adjust to a newly democratized environment. Numerous parties representing a broad cross section of political opinion operate both regionally and nationally throughout the Philippines. President Aquino has reconstituted the Commission on Elections and led the campaign for new nationwide voter registration in December. Although the Communist Party of the Philippines is outlawed, party members have been instrumental in organizing the Partido ng Bayan (PNB), a leftist organization created to contest upcoming local and legislative elections. The December 10 cessation of hostilities agreement between the Government and the NPA/CCP and their holding of preliminary talks on outstanding political differences has raised hopes for further reducing bloodshed. A shifting of competition from armed conflict to political dialogue has been illustrated by the emergence of prominent Communist leaders and the widespread coverage of their activities in national and local media.

The Catholic Church, or at least many of its leading local clerics, priests and nuns, plays an important political role

in the Philippines. The church hierarchy, including the outspoken Cardinal Sin, regularly criticized excesses under Marcos and contributed significantly to his fall. The Church-owned Radio Veritas called on citizens to protect military rebels during a crucial moment in events leading to a peaceful change of government.

While less active in the day-to-day affairs of the Aquino Government, the Church continues to champion social reform and economic development benefiting the poor. Clerics are active in promoting a reconciliatory approach toward the ongoing Communist insurgency and, in at least one region, have been instrumental in organizing a program designed to reintegrate rebel defectors into Philippine society.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Philippines is party to all principal U.N. human rights and refugee conventions. In 1986 the Philippines participated in the U.N. Human Rights Commission. Representatives from various international human rights groups, including Amnesty International and the World Council of Churches, visited the Philippines in 1986 and met with both government officials and private citizens involved with human rights matters. On her visit to the United States in September 1986, President Aquino spoke to the Lawyer's Committee on Human Rights in New York.

Within a month after assuming office, President Aquino established the Presidential Commission on Human Rights (PCHR). Its task is to investigate alleged violations of human rights committed during both past and present administrations, and to advise the President on appropriate action. As of December 8, the PCHR had accepted 694 complaints and referred 235 complaints to other agencies, including the Judge Advocate General's Office, the Board of Pardons and Appeals, and the Ministry of Justice, for lack of jurisdiction. Investigations were terminated in 21 cases and recommended to other agencies for prosecution. Of the 694 complaints filed, 214 relate to incidents alleged to have occurred during 1986. When a complaint is filed, the PCHR conducts an investigation, including a closed hearing with testimony by the complainant and the accused. The PCHR or its staff will occasionally travel to the site of the alleged infraction to conduct its own investigation. If the PCHR determines that a prima facie case is made, it will either refer the case for judicial review or expedite a case already before the courts. To date, no complaints filed with the PCHR have resulted in a final court decision. The proposed constitution would remove the PCHR from the Office of the President, expand its scope to include nongovernmental human rights violations, and grant it quasi-judicial powers.

The PCHR interprets its charter to permit investigation of government human rights violations. Its failure to investigate purported violations by armed insurgents has elicited concern among military elements. At the urging of the New Armed Forces of the Philippines, President Aquino has agreed to create a new commission to investigate allegations of atrocities committed by the NPA, but has yet to implement her decision. The Aquino Government has mandated compulsory study of human rights in the nation's schools.

THE PHILIPPINES

The Ministry of National Defense was active during 1986 in disciplining military personnel for involvement in human rights violations. In the 7 and 1/2 months ending on October 15, 131 Integrated National Police personnel and 469 NAFP officers and enlisted men were discharged or separated for human rights violations. During this period, 2,975 complaints of human rights abuse were filed, resulting in 858 referrals to courts-martial.

Many Philippine religious groups are active in the human rights field. These groups are almost exclusively concerned with abuses committed by government officials and to date have not addressed nongovernmental violations of human rights, particularly those committed by Communist NPA rebels. These groups are unhindered in conducting investigations throughout the country.

Task Force Detainees (TFD), established in 1974 by the association of major religious superiors of the Catholic Church and presently headed by a member of the PCHR, is the foremost independent investigatory organization. Headquartered in Manila, with unit offices in most provinces, it investigates alleged human rights violations and publishes its findings. Long an outspoken critic of the Marcos regime and its military establishment, TFD focuses on official violations of human rights and does not document abuses reportedly perpetrated by the NPA, Muslim separatists, or other nongovernmental organizations. With the release of hundreds of political detainees in 1986, TFD has joined other groups in setting up programs to provide support and assistance to former political prisoners.

Violations alleged by TFD are documented by name of the victim, the date and place of the incident. While uncorroborated by other human rights organizations, TFD's own statistics reflect a dramatic decline in the incidence of government-sponsored human rights abuse, especially in the frequency of politically motivated arrest. Another group, Samahan ng mga Ex-Detainees Laban sa Detensyion et para sa Amnestiya (SELDA), is attempting to obtain indemnification and justice for persons detained by the Marcos government. SELDA has filed a class action suit for monetary damages in a U.S. court against former President Marcos and former Chief of Staff General Ver, alleging torture, illegal detention, and arrest. Many human rights groups are also active at the provincial level. The Philippine Alliance of Human Rights Advocates (PAHRA), a coalition of 60 organizations with overlapping membership, was founded in May 1986. Like TFD, PAHRA comments only on abuses committed by government forces.

The Free Legal Assistance Group (FLAG), the Mabini Lawyers' Group, and the Protestant Lawyers' League have taken the lead in providing legal assistance for the victims of human rights abuse. President Aquino has appointed many human rights lawyers to key positions in her Government, including the chairmanship of the PCHR. Over 20 former Mabini lawyers hold government positions. The Integrated Bar of the Philippines, a national bar association to which all lawyers in the Philippines belong, takes positions on human rights issues and has organized human rights committees active at the provincial level.

THE PHILIPPINES

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Muslims in the southern Philippines constitute the most numerous national minority. While not targeted as part of any concerted governmental discrimination, they and indigenous groups have historically received less than their fair share of governmental services. The Aquino Government has committed resources to correcting this inequity and is pushing for the adoption of a new constitution recognizing the rights of cultural minorities within the framework of national unity and development.

Under the Marcos regime, two regional autonomous governments were established in the Muslim region and since 1977 religious courts have been given authority to apply Muslim personal law to the adjudication of civil disputes. Notwithstanding these government concessions, Muslim groups continue to press for greater autonomy or outright secession. The Moro National Liberation Front (MNLF) and the Moro Islamic Liberation Front (MILF) figure prominently among separatist groups with widely varying political agendas. Muslim demands for greater autonomy raise the prospect of serious sectarian strife because Christians constitute a majority in many Muslim areas.

Women enjoy full voting privileges and have the right to own and inherit property. They are prominent in Philippine society and well-represented in business and professions such as law, medicine, education, and journalism. President Aquino heads a large roster of women active and influential at all levels of government. Nonetheless, Philippine law continues to discriminate against women. Prominent examples of discrimination include limitations on a woman's right to buy and sell property and more exacting standards in criminal prosecutions for adultery.

CONDITIONS OF LABOR

The legally prescribed minimum wage of $2.75 per day for urban workers and as little as $1.75 per day for nonplantation agricultural laborers is generally considered inadequate to support a single adult wage-earner. Nonetheless, because of widespread disregard for paying the minimum wage to the least experienced laborers, the figure represents the average for all workers, including the most highly paid. Thirteen-month bonus pay is standard for most businesses and enterprises.

Philippine law mandates a 48-hour work week and a full day of rest per week. Every employee with more than 1 year on the job is entitled to 5 days' paid leave. The minimum age of employment is 15. The Government has special authority to determine hours and working conditions among youths aged 15 to 18 years. Discrimination in payment of such persons is prohibited. A comprehensive set of enforceable occupational safety and health standards is in effect and provisions prohibiting child labor, protecting younger workers and women, and regulating hazardous or harmful working conditions are relatively advanced. However, funding to field an appropriate number of professional labor inspectors to enforce payment of the minimum wage and provision of adequate working conditions is limited.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: PHILIPPINES

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	106.3	239.7	355.8
LOANS.....	23.1	60.8	6.9
GRANTS.....	83.2	178.9	348.9
A.AID	84.3	182.9	351.4
LOANS.....	23.1	20.8	6.9
GRANTS.....	61.2	162.1	344.5
(SEC.SUPP.ASSIST.)...	50.0	140.0	300.3
B.FOOD FOR PEACE.....	17.1	51.5	0.0
LOANS.....	0.0	40.0	0.0
GRANTS.....	17.1	11.5	0.0
TITLE I-TOTAL.....	0.0	40.0	0.0
REPAY. IN $-LOANS.....	0.0	40.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	17.1	11.5	0.0
E.RELIEF.EC.DEV & WFP.	0.1	0.0	0.0
VOL.RELIEF AGENCY.....	17.0	11.5	0.0
C.OTHER ECON. ASSIST...	4.9	5.3	4.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	4.9	5.3	4.4
PEACE CORPS.....	4.9	5.3	4.4
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	51.5	42.2	105.1
LOANS.....	50.0	15.0	14.4
GRANTS.....	1.5	27.2	90.7
A.MAP GRANTS.....	0.0	25.0	88.3
B.CREDIT FINANCING....	50.0	15.0	14.4
C.INTL MIL.ED.TRNG....	1.5	2.2	2.4
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	157.8	281.9	460.9
LOANS.....	73.1	75.8	21.3
GRANTS.....	84.7	206.1	439.6
OTHER US LOANS.....	78.8	0.3	0.0
EX-IM BANK LOANS.....	78.8	0.0	0.0
ALL OTHER.....	0.0	0.3	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	523.8	450.2	288.0	7173.5
IBRD	183.2	254.0	151.0	4459.8
IFC	0.0	48.1	37.0	255.2
IDA	0.0	0.0	0.0	122.2
IDB	0.0	0.0	0.0	0.0
ADB	337.8	145.9	100.0	2220.2
AFDB	0.0	0.0	0.0	0.0
UNDP	2.8	2.2	0.0	70.6
OTHER-UN	0.0	0.0	0.0	45.5
EEC	0.0	0.0	0.0	0.0

SINGAPORE

Singapore has a parliamentary system under which the People's Action Party (PAP), headed by Prime Minister Lee Kuan Yew, has held power since independence in 1965. The PAP continues to dominate Parliament, holding 76 of the 77 occupied seats. Two seats are currently vacant. The Government enjoys broad public support, as indicated by the 62.9 percent share of the popular vote it received in the last general election, December 1984. The Civil Service is efficient, and corruption is officially and actively discouraged.

Singapore was subject to acts of terrorism by members of the Communist Party of Malaya (CPM) through 1974. While there have been no terrorist incidents in recent years, the CPM considers Singapore within its sphere of operation.

Government military and security agencies work to control and, if possible, to eliminate the threat of internal disturbances. They act within what most Singaporeans consider to be the bounds of acceptable legal conduct.

Singapore's strategic location and industrious population give it economic importance in Southeast Asia disproportionate to its small size. Following independence, the economy expanded rapidly, with foreign trade and shipping reaching record levels. In recent years industrialization also has been rapid. In 1985-86, however, the economy cooled markedly, and Singapore is only beginning to shake off the effects of economic recession.

One significant human rights development in 1986 was the enactment of legislation empowering authorities to restrict sales and distribution of foreign publications judged by the Minister of Communications and Information to have "engaged" in Singapore's domestic politics. The Government made first use of this legislation in October when it announced circulation restrictions on Time Magazine. A second development was an appeals court ruling against prominent opposition figure Joshua Benjamin Jeyaretnam which cost him his seat in Parliament.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no known instances of politically motivated killing.

b. Disappearance

There was no evidence that people were abducted, secretly arrested, or held in clandestine detention by official or quasi-official security forces, other elements of the Government, or opposition forces.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by law under sections 330 and 331 of the Penal Code, and there is no credible evidence to suggest involvement by authorities in torture or abuse. Prison conditions in Singapore are spartan. Singapore's 7 penal institutions confine about 5,300 prisoners. Some 4,000 others

are held in drug rehabilitation centers. Since 1981 the Government has stepped up efforts to rehabilitate prisoners serving sentences of 1 year or more. The prison welfare services program has continued to concentrate on adult first-time offenders, juvenile delinquents, and drug abusers.

Singapore's penal code mandates caning in addition to imprisonment as punishment for certain crimes including rape, theft, robbery, extortion, housebreaking, and vehicle theft. The maximum allowable number of strokes is 24.

d. Arbitrary Arrest, Detention, or Exile

Law enforcement authorities follow established legal procedures for arrest or detention. Incommunicado detention does not occur. Arrest without a warrant is permitted under Section 31 of the Criminal Procedure Code, Section 43 of the Criminal Law (Temporary Provisions) Act, and Sections 8 and 65 of the Internal Security Act (ISA). Detention without charge is authorized under Section 30 of the Criminal Law (Temporary Provisions) Act and Section 8 of the ISA. The ISA applies in security cases, while the Criminal Law (Temporary Provisions) Act applies in criminal cases and is used almost exclusively against Chinese triads (mafia-like secret societies) or in drug cases. Detention without charge is authorized for periods of 1 to 30 days. The Ministry of Home Affairs can issue an order under the ISA, a British measure used by Singapore extensively during the 1965-74 post-independence period when Communist-led disturbances and communal violence were widespread, or the Criminal Law (Temporary Provisions) Act to authorize a longer period of detention of a "suspected person." Habeas corpus exists in the law, but the Government can extend detention indefinitely in ISA cases. In some other cases, provisions of the Criminal Law (Temporary Provisions) Act can be invoked to detain suspects for periods of up to 1 year. These provisions are invoked mainly in criminal matters involving secret societies, where intimidation and retaliation against witnesses appearing in open court would make prosecution difficult or impossible. Detentions of people under the Act are conducted openly. There are no secret detentions. There is a functioning system of bail, and those charged in both criminal and civil cases are entitled to legal counsel.

The Misuse of Drugs Act allows Central Narcotics Bureau officers and customs officials to arrest without warrant any person suspected of manufacturing, importing, exporting, possessing, consuming, or trafficking in controlled drugs. The director of the Central Narcotics Bureau in cases of a positive urinalysis can commit suspected drug users to a 6-month term in a drug rehabilitation center. Suspects have a legal right to challenge the finding and can appeal through the court system.

Such persons actually arrested are tried in court. A few persons have maintained that they were not drug users and were improperly detained but, thus far, have failed to substantiate their allegations in court. The Government has maintained that adequate safeguards exist to prevent innocent persons being detained.

A former member of Parliament, who has been linked to the Communist movement and who has refused to renounce the use of force to challenge the Government, has been in detention under terms of the ISA since 1966. More than 1,000 persons are held

in indefinite detention under the Criminal Law (Temporary Provisions) Act, primarily for membership in Chinese triads or for drug-trafficking offenses.

Singapore law prohibits the use of forced or compulsory labor.

e. Denial of Fair Public Trial

The right to a public trial is observed except for persons detained under the provisions of the ISA and the Criminal Law (Temporary Provisions) Act. The Government defends its policy of detention without trial in these cases on the ground that an open trial could result in the intimidation of witnesses and officials.

The Criminal Procedures Code provides that a charge against a defendant must be read and explained to him as soon as it is framed by the magistrate. The accused has the right to be defended by an attorney (advocate). Trial is by a magistrate or judge rather than by jury. Defendants may appeal their verdicts in most cases to higher courts. Singapore is a member of the British Commonwealth and allows for further appeal to the Judicial Committee of the Privy Council in London.

Judges are appointed by the President on the recommendation of the Prime Minister in consultation with the Chief Justice. Subordinate court judges (magistrates) and public prosecutors are civil servants and can be transferred by the Public Service Commission.

The Government publicly reaffirmed its commitment to an independent court system and denied allegations of executive interference in the judiciary raised by a prominent opposition Member of Parliament (MP) during parliamentary debate in early 1986. In June a commission of inquiry headed by a Supreme Court Justice found no evidence to support charges of executive interference.

Citizens can take government agencies to court over such matters as compulsory land acquisitions and compensation. The Government has not lost a case involving a challenge to its major policies. Members of both the ruling and opposition political parties have been taken to court in recent years on nonpolitical charges.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government does not hesitate to use its wide discretionary powers when it believes that the security of the nation is threatened. Search warrants are required for intrusion into the home in most cases. Law enforcement officers may, however, search a person, home, or property without a warrant if they have reasonable grounds to believe that it is necessary to do so. Judicial review of such searches can be undertaken by the courts at the request of the defendant, but is not automatic. Divisions of the Government's law enforcement agencies, including the Internal Security Division (ISD) and the Corrupt Practices Investigation Board (CPIB), have a wide network for gathering information.

SINGAPORE

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press are circumscribed. The Government forbids statements which might arouse communal tensions among the various races (roughly 77 percent Chinese, 15 percent Malay, 6 percent Indian, and 2 percent other minorities).

Newspapers are published by private firms with close ties to the national leadership. While there is no direct censorship of the press, members of the press understand the restraints and guidelines within which they must operate. They did not significantly exceed these guidelines in 1986. Some press representatives believe that they may lose their jobs if they criticize the Government too severely. The press reports the opposition's views, however, and has published statements critical of the Government's proposals and policies.

The most significant development relating to the press in 1986 was the enactment of legislation empowering authorities to restrict sales and distribution of foreign publications judged by the Minister of Communications and Information to have "engaged" in Singapore's domestic politics. The Government made the first use of its newly increased power over the foreign press in October when it announced circulation restrictions on Time Magazine. Time's circulation in Singapore was cut from 18,000 to 9,000 on October 20, 1986 and was further reduced to 2,000 on January 1, 1987. The Government justified its action by claiming that Time was unwilling to publish a Government letter to the editor responding to alleged errors in a September Time story about the local political scene. Time subsequently published the letter, but the circulation restrictions remain in force.

The government-owned Singapore Broadcasting Corporation (SBC) has a monopoly on domestic radio and television. SBC follows government guidelines on its news reporting and obeys censorship regulations on the programs which it broadcasts. The BBC World Service and Malaysian radio and television can be received uncensored in Singapore on local broadcast bands. An official board of film censors approves motion pictures, television programs, and videotapes. Additional government bodies censor magazines, records, plays, and other media. The Government censors these items primarily to prevent the spread of material which it feels would undermine the morals of young Singaporeans, advocate excessive permissiveness, or promote drug abuse.

A wide range of international magazines and newspapers can be purchased uncensored in Singapore. The country is a regional publishing center for a growing number of international magazines and newspapers.

b. Freedom of Peaceful Assembly and Association

Assemblies of more than five people in public, including political rallies, are authorized only with permission from the police. In practice, the Government does not stop gatherings of groups of more than 5 people for social purposes.

In order to operate legally in Singapore, associations, societies, clubs, churches, and other organizations with more than 10 members must be registered with the Government under the Societies Act. Registration is denied to societies that

the Government believes are likely to be used for unlawful purposes or for purposes prejudicial to public peace, welfare, or good order. In the past, arrests have been made at gatherings of unregistered organizations, including some splinter religious groups, which the Government viewed as inimical to the public interest.

Unions play an important role in labor's relations with both management and government in Singapore. The Trades Union Act, however, places restrictions on workers' rights, including a prohibition against unionization of uniformed employees and restrictions preventing persons with criminal records from holding union office. Unions are organized under an umbrella organization, the National Trades Union Congress (NTUC), which has a Deputy Prime Minister as its Secretary General and MPs on its Board of Directors.

The NTUC has about 200,000 members in a national work force of approximately 1.2 million. Workers have the legal right to strike, and in January Singapore's first strike in 8 years occurred at a manufacturing firm (and was quickly settled). The country has retained a positive record of industrial peace despite rising job losses, official calls for wage restraint, and other pressures stemming from the recession. The NTUC remains a member of the International Confederation of Free Trade Unions (ICFTU), and Singapore continues its membership in the International Labor Organization (ILO).

c. Freedom of Religion

Freedom of religion is enshrined in the Constitution and fully respected in practice. A Presidential Council on Minority Rights exists to insure that legislation does not infringe upon the rights of ethnic or religious minorities. There is no state religion, but the Government has provided financial assistance to some religious bodies to allow them to build and maintain places of worship. Missionaries are permitted to work and to publish religious texts.

All religious groups are subject to government scrutiny and must be legally registered. The Government restricts religious sects holding views it considers inimical to the common good by application of the Societies Act and has banned some splinter groups from practicing their faiths in Singapore. There are no restrictions based on religious affiliation to membership in the PAP.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no limitations on freedom of movement within the country other than those under the ISA. The ISA allows the Minister for Home Affairs to suspend or revoke a detention order or impose restrictions on a person's activities, place of residence, and travel outside of Singapore, but it has been rarely used for this purpose. All Singapore residents over the age of 13 are required to register with the Government, receive and carry an identification card, and report changes of address within 14 days. A person may be denied a passport at the Government's discretion, although in practice this applies only to those convicted of serious crimes. Males approaching the age of 18 (when National Service is generally performed) and wishing to travel abroad must obtain an exit permit from the Ministry of Defense. Recipients of government-financed educational benefits are required to sign a bond

obligation to serve the Government for a fixed period and may not emigrate without paying the balance of their bond.

The right of voluntary repatriation is extended to holders of Singaporean passports. However, several hundred ethnic Chinese who left Singapore for China during the politically difficult 1940's and 1950's have encountered obstacles to their return.

Refugees are granted first asylum for 90 days in Singapore if they have a third-country guarantee of resettlement. As of October 1986, more than 26,000 Indochinese refugees had been brought into Singapore in asylum status.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The dominant political party in Singapore, the People's Action Party (PAP), is a broadly based institution, with roots in neighborhood organizations. It includes representatives from all racial communities in Singapore. Non-Communist parties are legally free to organize, in accordance with strict regulations on party constitution, fund raising, and accountability. There are some 19 registered political parties in Singapore in addition to the PAP. These parties are closely monitored by the Government, which justifies its action on the grounds of possible Communist infiltration and enforcement of libel laws in connection with election campaigning. The successful prosecution of libel and defamation suits against opposition parties and candidates by members of the PAP bankrupted three opposition politicians from the Barisan Socialist party in the mid-1970's.

In November, Singapore's High Court of Appeals sustained parliamentary opposition leader Joshua Benjamin Jeyaretnam's 1985 District Court conviction on fraud charges and "varied" the original 3-month prison sentence to 1 month in jail plus a fine of 5,000 Singapore dollars (US$2,282). Addition of the fine resulted in Jeyaretnam being stripped of his seat in Parliament (under Singapore's Constitution an MP found guilty of a crime for which he has been fined 2,000 or more Singapore dollars is disqualified from holding office for a period of 5 years). Jeyaretnam is appealing his sentence (but not the verdict); his final recourse would be an appeal to Singapore President Wee for a pardon. Jeyaretnam maintains that the charges against him were politically motivated.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no organizations in Singapore which actively and openly monitor human rights violations. Governmental bodies, such as the Minority Rights Council, monitor certain aspects of human rights in Singapore for domestic purposes. Representatives of Amnesty International and other human rights groups are not allowed to visit Singapore in an official capacity.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Social, economic, and cultural facilities are available to all citizens regardless of race, religion, or sex. Minorities are constitutionally guaranteed equal rights and actively

participate in the political process. Disparities exist among the various races, although not as a result of government policies. For example, according to 1980 census data, 0.21 percent of Malays had a university education, while 1.8 percent of the Chinese and 2.44 percent of the Indians attained that level of education.

Women generally enjoy equal rights, primarily under the 1969 Women's Charter and the Constitution. Muslim women's rights are protected by the provisions of the 1957 Administration of Muslim Law, which permits Muslim women to apply for divorce and provides for women to hold and dispose of property. Women have voting rights and the right of equality of economic opportunity under the law.

There are few women in the top ranks of the civil service or business. As a result of the 1984 election, however, there are now three female MP's. In 1986 the median gross monthly income of female workers was 76 percent of that for male workers. A shortage of workers has led the Government to encourage women to work. Singaporean women do not have equal rights with men in the transmission of citizenship to their children. A Singaporean woman married to a foreigner can not pass citizenship to children born outside the country, although a Singaporean man can do so. Additionally, the wife of a Singaporean male can receive permanent resident status and citizenship based on the marriage while the husband of a Singaporean woman can not.

CONDITIONS OF LABOR

Relatively high wage rates and working conditions consistent with accepted international standards are features of the Singapore labor market which, despite the economic downturn, still provides jobs for some 50,000 foreign workers. The unemployment rate in mid-1986 was 6.5 percent. Singapore has no minimum wage legislation or unemployment compensation.

Singapore enforces comprehensive occupational safety and health laws. Enforcement procedures, coupled with the promotion of educational and training programs, have reduced the frequency of job-related accidents from 7.0 accidents per million man hours worked in the early 1970's to 4.7 during a comparable 3-year period in the 1980's. The average severity of occupational accidents has also been reduced.

Child labor laws which protect young people from exploitation and hazardous working conditions are enforced. Employment of children below the age of 12 is prohibited, as is nighttime work by young people below the age of 16.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SINGAPORE

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & MFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.1	0.1	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.1	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.1	0.1	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.1	0.1	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.1	0.0
OTHER US LOANS.....	0.0	15.8	0.0
EX-IM BANK LOANS.....	0.0	15.8	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	0.0	0.7	0.0	387.3
IBRD	0.0	0.0	0.0	179.4
IFC	0.0	0.0	0.0	0.0
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	181.1
AFDB	0.0	0.0	0.0	0.0
UNDP	0.0	0.7	0.0	26.2
OTHER-UN	0.0	0.0	0.0	0.6
EEC	0.0	0.0	0.0	0.0

SOLOMON ISLANDS

Solomon Islands is an archipelago country, comprising 6 large islands and many smaller ones, stretching over 840 miles in the South Pacific. Its total population of about 280,000 makes it the second largest (after Papua New Guinea) of the Melanesian countries. The Government is based on a modified Westminster parliamentary system consisting of a single-chamber legislative assembly of 38 members. This system, adopted when the country became independent in 1978, accords well both with Solomon Islands' experience and with the Melanesian tradition of leadership based upon individual achievement and political consensus. Political legitimacy thus rests on free popular voting. The police are under civilian control; there are no other armed forces. The courts are independent and vigorously protect individual rights. Since independence, two parliamentary elections have been held and two additional changes of government were accomplished by vote of Parliament.

Since 1984 GDP has dropped 16 percent, primarily because of population growth of around 3.5 percent yearly and a stagnant economy. Severely depressed world prices for copra and a disastrous cyclone in 1986 were major adverse factors for the economy, as foreign exchange earnings are mainly dependent on agricultural exports.

Human rights in Solomon Islands are protected rigorously. No abuses were reported in 1986.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Political killing does not occur in Solomon Islands.

b. Disappearance

There are no reports of political disappearance.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is neither practiced nor condoned. All the basic protections of the integrity of the individual are guaranteed by the Constitution, implemented by the authorities, and defended by the courts and the Ombudsman for protection against possible excessive or unlawful treatment.

d. Arbitrary Arrest, Detention, or Exile

There is no evidence of politically motivated arrests. Exile is not practiced. Forced labor is forbidden, except as part of a sentence or court order.

e. Denial of Fair Public Trial

Accused persons are entitled to counsel. Provision is made for writs of habeas corpus under the law and coerced statements are illegal. Violations of civil liberties are punishable by fines and jail sentences.

SOLOMON ISLANDS

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

In addition to legal guarantees, the traditional culture governing the daily lives of most Solomon Islanders provides strong protection against these types of abuses.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Constitutional guarantees, an independent press, and a functioning democratic political system combine to insure freedom of speech and press. There are two private weekly newspapers, weekly and monthly national government newsletters, and one provincial government weekly. The state-owned radio gives significant coverage to statements of opposition politicians. In 1984 some foreign journalists were denied permission to cover the Pope's visit and elections. Since the Government of Sir Peter Kenilorea came to power in late 1984, however, there have been no restrictions on foreign press activity.

b. Freedom of Peaceful Assembly and Association

The right of association is constitutionally guaranteed and freely exercised. Demonstrators, however, must obtain a permit, which is usually granted.

Unions have the right to engage in collective bargaining and in the private sector they have the right to strike. While civil servants are not supposed to strike, in September 1985 civil servants did so, effectively closing the ports and airport to protest alleged corruption in the Government Housing Committee. The strike ended when the Government dissolved the Committee.

The largest trade union, the Solomon Islands National Union of Workers, and other smaller unions freely organize workers. The plantation sector, however, is not widely unionized. Solomon Islands' unions have international ties with several organizations.

c. Freedom of Religion

Freedom of religion is guaranteed by law; there are no controls on the practice of religion and no religious discrimination. Although Christianity is the dominant religion and has a wide variety of denominations, indigenous beliefs also flourish. Missionaries work without restrictions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no legal or administrative restrictions on the freedom of movement of Solomon Islands' citizens within or out of the country. Natural-born citizens may not be deprived of citizenship on any grounds.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Since independence, Solomon Islands has had two parliamentary elections and several elections for provincial and local councils. The second of the two parliamentary elections, held

in November 1984, resulted in the orderly replacement of Former Prime Minister Mamaloni by Sir Peter Kenilorea, who, in secret balloting by the Parliament, received 21 out of a possible 33 votes. Election results were contested in some constituencies and court decisions resulted in new polls in a few instances. The Kenilorea Government narrowly survived a vote of no confidence in July 1986, but fell in November 1986 when members of its coalition Cabinet resigned. Citizens over 18 enjoy universal suffrage.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no allegations by outside organizations of human rights violations in Solomon Islands nor any request for investigations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Discrimination based on regional or ethnic considerations is not practiced. The law accords women equal legal rights, but traditional culture, in which males are dominant and women seen primarily as propagators and child rearers, has hampered them from taking more active roles in the economic and political life of the country. There are no women in senior governmental positions or in Parliament but women are involved in politics and have run for national office. A shortage of employment and a predominantly young population with many job seekers are also inhibiting factors. According to a fairly recent survey, only 21 percent of the population aged 15-54 was working for wages. Another 7 percent was characterized as self-employed, mainly as copra farmers or market gardeners, whose wives and family members are usually unpaid helpers.

CONDITIONS OF LABOR

Solomon Islands has comprehensive laws on workers' rights. Child labor is forbidden for children under the age of 12 except in the company of parents in light agricultural or domestic work. Children under the age of 15 are barred from work in industry or on ships; those under 18 cannot work underground or in mines. The standard workweek is 45 hours and limited to 6 days. Power to set minimum wages has been devolved to the provincial governments. In Honiara, the capital, the minimum wage is about 30 cents per hour. There are provisions for premimum pay for overtime and holiday work. Both a strong labor movement and an independent judiciary ensure widespread enforcement of labor laws in major state and private enterprises. The extent to which the law is enforced in smaller establishments and in the subsistence sector is unclear. No information is available on occupational safety and health legislation.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SOLOMON ISLANDS

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	0.0	0.0	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.1
A.AID	0.0	0.0	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.1
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.0	0.0	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.1
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	0.0	0.0	0.0	0.0
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.0	0.0	0.0	0.0
OTHER-UN	0.0	0.0	0.0	0.0
EEC	0.0	0.0	0.0	0.0

THAILAND

Thailand's government is a constitutional monarchy with a strong executive branch and a weaker bicameral legislature composed of a 347-member elected Lower House and a 243-member appointed Senate. The elected house wields less power than the bureaucracy and the military, the latter playing a strong and often dominant role in Thai political life. The Senate, which has few legislative powers, is composed largely of active duty or retired military men. The monarchy exerts strong informal influence. The Prime Minister and members of his Cabinet are subject to votes of confidence, although they need not be elected members of Parliament themselves. Free national elections for the Lower House were held in July 1986 with record participation, following which the current Prime Minister, General (retired) Prem Tinsulanon, who has held office since 1980, formed a four-party coalition government supported by roughly two-thirds of the Lower House.

Thailand is an emerging middle-income developing country with a free enterprise economic system in which individual economic interests and the right to hold private property are strongly protected. Although the industrial sector has expanded rapidly in recent years, 70 percent of the Thai people still live in the countryside, and agriculture remains the main source of livelihood.

Thailand's security apparatus operates within a constitutionally mandated framework, but numerous police, civilian, and military agencies share responsibilities, often with overlapping jurisdictions and ill-defined mandates. The security services, reflecting the strong executive branch orientation of the Government, have formidable powers, sometimes utilized in a heavy-handed or uneven way. Nonetheless, human rights abuses attributable to the security services are not sanctioned by the Government and have been increasingly less frequent in recent years.

Communist insurgents, Muslim separatists, and criminal gangs operate in rural areas and use terrorism to advance their respective aims. In recent years, the Government has made steady progress in reducing the influence of these groups, particularly of the first two. Communist strength has declined markedly due to several factors, including an amnesty program for defectors and financial assistance to help them reintegrate into society. The Government is also continuing efforts to integrate Thailand's Muslim community. Sporadic low-level violence in southern Thailand continued to call attention to residual Communist and Muslim separatist activities in provinces along the Malaysian border.

Thailand continued to offer sanctuary and assistance to Indochinese refugees prior to third-country resettlement. During 1986 the human rights record continued without serious violations. Autonomous political parties, gatherings, and associations are allowed, and freedom from arbitrary detention or search is generally safeguarded, notwithstanding some rarely enforced restrictive laws still on the books. Although it practices some self-censorship, the press is among the freest in Asia. Human rights activists in Thailand are able to bring issues to the attention of the Government and public and to lobby for corrective action.

THAILAND

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of killings, including summary executions, in which official government involvement was alleged. Nonetheless, senior Thai officials have been quoted by newspapers as acknowledging that police execution of habitual serious criminals without due process does occur occasionally in southern Thailand, an area which regularly records the nation's highest crime rates and parts of which still retain a "Wild West" atmosphere. In rural areas, Communist insurgents and ethnic separatists have continued to use violence, including murder, to pursue their respective objectives. Their targets have included low-level government officials, local entrepreneurs, and security officials.

In this and past years, a number of journalists died violently in rural areas. Such killings have diminished sharply in recent years, and local human rights activists regard the situation as distinctly improved. The motivations for these killings are not entirely clear. Some of the murdered journalists had published exposes on corruption or illegal activity. Others had apparently engaged in blackmail or extortion, and likely were killed in retaliation.

In the 1986 general election campaign, there were 12 politically related murders. None of these incidents was government sanctioned, however, and they are being investigated. Charges of politically motivated election intimidation and the number of deaths were fewer than in previous national polls.

b. Disappearance

Communist insurgents and Muslim separatists have used terrorism as a political weapon, resulting in the disappearance of civilians and government officials.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Thai Government has stated its opposition to the use of cruel, inhuman, or degrading punishment. According to human rights activists in Thailand, abuses of authority, both real and alleged, relating to cruel and inhuman punishment or treatment have declined steadily over the last several years. In 1986 Amnesty International charged that paramilitary elements responsible for security at a Cambodian refugee camp had tortured three Cambodians who had been accused of robbery and murder. The Government denied these charges.

Prison conditions in Thailand remain poor as a consequence of serious overcrowding, low government expenditures, limited staff, corruption, and narcotics abuse by prisoners. Prisoners are subject to strict regulations, including corporal punishment for infractions. Attempted prison escapes are suppressed with maximum force, regularly resulting in deaths. Prison conditions vary with the prisoner's social status as well as with the nature of the offense. Westerners generally receive preferential treatment but there is no systematic discrimination.

d. Arbitrary Arrest, Detention, or Exile

Thailand's criminal and civil codes follow Western European models, and the rights of suspects are similar to those in Western Europe. Except in cases of crimes in progress, arrest warrants generally are required, and specific charges must be brought within a limited time period against those detained. There is a functioning bail system. Arbitrary arrest is not practiced.

A small number of Communist insurgents and Muslim separatists have been detained without trial under previously effective martial law provisions, but martial law powers allowing arbitrary arrest and imprisonment were reduced significantly in 1984. Otherwise, the only legal basis for arrest and detention without specific charges for long periods (up to 480 days) is the Anti-Communist Activities Act. According to local human rights groups, those detained under the act have not been mistreated.

Summary exile is not practiced.

Section 31 of the Constitution prohibits forced or compulsory labor except in time of war, during a state of emergency or martial law, or to avert imminent "public calamity."

e. Denial of Fair Public Trial

The Constitution guarantees Thai citizens the presumption of innocence as well as access to courts or administrative bodies to seek redress. Suspects can be denied the right to legal counsel during the pretrial or investigative period of their cases but before trial they have access to a lawyer of their own choosing. There is a functioning bail system. Summary punishment is not practiced.

The Thai have a legal system in which judges rather than juries make findings of fact. Cases are heard on the basis of specific charges, usually well-documented, by a panel of judges. During the martial law period (October 1976 - August 1984) military courts had jurisdiction over cases involving internal and external national security, Thai relations with other nations, and offenses against the royal family and public peace. Since 1984, however, military courts are used solely in cases involving only military personnel. All other cases come under the jurisdiction of civilian courts. The alleged plotters of the 1985 coup bid are being tried in civilian courts.

Persons tried in both the military and civilian courts enjoy a broad range of legal rights, including the right to counsel both in the trial and appellate stages. A civilian court decision may be appealed; a military court decision may not. Both court systems, however, allow appeal for a royal pardon. On December 1, the King granted clemency to Surachai Sae Dan, convicted of murdering a police captain, and commuted his death sentence to life imprisonment. Moreover, prisoners sometimes benefit from periodic royal amnesties. The courts are relatively independent of external pressures. There have been allegations, however, of both government and private influence being brought to bear on certain cases, often those involving narcotics.

A pilot government program to provide free legal advice to the poor continues in operation. Most free legal aid, however,

comes from private organizations, including the Lawyers' Association and the Women's Lawyers' Association.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Thai society is generally an open one where membership in political organizations is voluntary, the police function is not abused for security or political purposes, and the unmonitored exchange of ideas generally is permitted, although those espousing leftist or Communist views are probably watched by the security services. Thai law requires that police possess a search warrant prior to entering a home without the owner's consent. There are sometimes allegations that officers endorse warrants in advance and then allow their subordinate noncommissioned officials to apply them as needed. Sections of the Anti-Communist Activities Act allow officials involved in specifically designated "Communist suppression operations" to conduct searches without warrants, but these powers have been used sparingly.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution generally affirms citizens' right to free speech and a free press, but there are laws which impose restrictions on those rights. The principal legal restrictions on these freedoms are prohibitions against insulting or defaming the King, Queen, Heir Apparent, or Regent (lese majeste), advocating a Communist system of government, or publishing materials which threaten national security. Two persons were charged with lese majeste in Thailand during 1986. One, a Deputy Interior Minister, was forced to resign because of political pressure after allegations that he committed lese majeste during an election campaign rally. The allegations are still under investigation. There are less formal prohibitions against criticism of religious institutions, ethnic groups, or the military.

Thai citizens enjoy substantial freedom of speech, and the Government permits criticism of its policies. International publications circulate freely in Thailand, as does a wide range of political and social commentary presented by the privately owned Thai press. Technical publications and pamphlets, including those of academics, circulate freely and present viewpoints ranging from the non-Communist left to the ultraright. Foreign and domestic books are not censored, except in rare instances where publications are critical of the Royal Family or the Thai monarchy.

Television and radio stations are licensed by the Government and operated both by government and private entities as commercial enterprises. Although the Government's Broadcasting Directing Board in theory reviews all television programs prior to broadcast, in practice stations present a range of viewpoints. Radio stations are required to carry the government-produced newscast four times daily, but are free to originate other news and commentary. Opinions critical of government positions have been broadcast but, in general, controversial issues are treated cautiously, if at all. A lively exception was a series of television spots allotted for the first time to political parties by the Government during the 1986 national election campaign. Two political parties

took the unusual step of buying additional television time during the campaign.

The press continues to operate under the restrictions imposed by the Press Law of 1941 and remnants of past martial law orders. These laws permit the Government to close newspapers and revoke the licenses of editors of newspapers which publish stories deemed to be libelous or contrary to national security interests. The Government infrequently uses its statutory power over the press, although awareness of this power contributes to self-censorship. Marking a change in the pattern of the last 3 years, there were no closures of publications in 1986.

b. Freedom of Peaceful Assembly and Association

Organized labor, politicians, students, and various special interest groups hold meetings, seminars, and rallies to further their interests or to protest government policies without interference from the Government. In several provinces, the remaining vestiges of martial law which could have been used to restrict assembly have been repealed. Private associations are supposed to register with the Ministry of Interior. However, withholding of registration has not been used to inhibit freedom of association.

Although organized labor was severely circumscribed during the period 1977-79, the right of labor to organize has been unrestricted since then. A minimum of only 10 persons can form a labor union. Independent labor unions exist in both the private enterprise sector and the state enterprise sector. Only about 10 percent of the labor force in nonagrarian occupations is unionized. This low percentage stems from the newness and fragmentation of the labor movement, as well as from the economic slowdown of the past few years. The labor movement is represented on a tripartite committee which makes an annual recommendation on minimum wage levels.

The right to strike is recognized and unrestricted in the private sector. State enterprise workers, however, do not have the right to strike. Many of them have struck on occasion anyway, often without penalty. However, the Government has attempted to discourage labor demonstrations which have had political connotations. A system of labor courts, to which unions elect a third of the judges, serves as a frequently used medium for settling labor disputes.

Labor unions in Thailand maintain unrestricted relations with recognized international labor bodies such as the International Confederation of Free Trade Unions, International Trade Secretariats, and the Association of Southeast Asian Nations (ASEAN) Trade Union Congress, and with various national labor bodies, notably those from the United States, West Germany, Japan, and Israel.

c. Freedom of Religion

Freedom of religion is practiced throughout Thailand and protected by law and custom. Theravada Buddhism, the de facto state religion, has had an abiding and profound influence on Thai culture and history, and the preponderance of Thai practice it. The King is required by the Constitution to profess the Buddhist faith and practice Buddhism.

Nonetheless, Thailand is a secular society with church and state clearly separate. There are no restrictions on religious ceremonies, the teaching of religion, or conversion from one religion to another. Missionaries are permitted generally to live and proselytize in Thailand, as has been the case for more than a century. Foreign clergy may preach freely. There is no legal or organized discrimination against, or persecution of, those affiliated with minority religions, such as Christianity or Islam. Religious publishing, regardless of faith, is freely allowed. Like private associations, religious institutions are registered by the Government. Most senior Thai officials and political leaders are at least nominally Buddhist. Muslims living in the four southern provinces which have majority Muslim populations have the right to have civil law cases decided by Muslim judges under Koranic law.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Apart from long-standing restrictions on the travel of Chinese and Vietnamese aliens living in Thailand, the only limitations on travel of persons other than refugees are restrictions on entry into certain rural areas believed by the Government to be used as bases by Communist insurgents. The right of citizens to change their residence or workplace is unabridged. There are no government restrictions on foreign travel or emigration, except for government officials, but Thai women and children under the age of 14 must have their passport applications approved by the Department of Public Welfare. In addition, a 1985 statute requires that all women under age 36 sit through a series of interviews regarding their employment records and finances in connection with passport applications. This has been protested by some women's rights advocates. These provisions of law, designed to prevent the export of children for sale and women for purposes of prostitution, have proved difficult to enforce. The Government has rarely revoked citizenship.

Thailand, though not a signatory to international legal instruments regarding refugees and their basic rights, has acted in the spirit of those agreements in providing asylum to about 670,000 refugees from Laos, Cambodia, and Vietnam since 1975, and in permitting the temporary evacuation of around 250,000 Khmer onto its side of the Thai-Cambodia border. Thai policy has been to allow United Nations-coordinated assistance to be provided to refugees at first-asylum camps. Displaced Khmer are afforded temporary haven at border camps until safe repatriation can be arranged. Those in camps run by the United Nations High Commissioner for Refugees (UNHCR) number about 130,000. The Government's program to screen individual Laotian arrivals, in place since 1985, continues to function, even though the Lao government has so far declined to accept back any of its citizens who have been found inadmissible as refugees.

There are occasional reports that individuals and groups, especially Hmong highlanders, have been denied access to the screening system and compelled to return to Laos. This issue is complicated by the fact that some of these would-be entrants are Lao resistance elements, rather than simple asylum-seekers. Vietnamese coming overland via Cambodia after April 1981 have had to remain at the border for lengthy periods until they were allowed to be considered for third country resettlement. In October about 3,500 overland

Vietnamese were on the border. Although the Government closed Khao I Dang holding center to new refugee arrivals from Cambodia in early 1980, another 11,200 Cambodians who surreptitiously entered Khao I Dang since then have been given full access to the center's facilities. Cambodians caught trying to enter Khao I Dang or who violate Thai camp rules have been returned to camps for displaced Khmer on the Thai side of the border.

The UNHCR and the major resettlement countries have supported the Thai policy of promoting voluntary repatriation when that is possible. About 2,900 Lao have returned to their homeland under UNHCR supervision following successful bilateral Thai/Lao negotiations in September 1980. UNHCR negotiations with the Heng Samrin regime concerning the repatriation of Khmer refugees remain stalled. The Government of Vietnam has been unwilling to discuss repatriation of Vietnamese in Thailand. The vast majority of Indochinese in Thailand are not willing to return to their home countries.

Since 1979 nearly 84,000 Vietnamese refugees have arrived in Thailand after perilous journeys across international waters, often in small, unseaworthy boats. Although considerably less than the peak years of 1979-81, the number of arrivals in 1986 averaged about 340 persons per month, slightly higher than the monthly average in the previous 2 years. Boat people continue to suffer from pirate attacks, equipment breakdowns, and navigational problems which cause sickness, starvation, and death.

As its contribution to alleviating criminal attacks against Vietnamese boat people, the Government, with financial and technical assistance from the UNHCR and 12 donor nations, conducts patrols and other law-enforcement activities designed to detect, deter, and punish crimes at sea. In the past year, these Thai efforts have been increasingly successful, and pirate attacks have declined significantly. The Thai authorities apply the same asylum, relief, and resettlement policies to boat refugees as to all others.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Since the absolute monarchy ended in 1932, the Thai government traditionally has been managed by a continuing civilian bureaucracy heavily influenced by the military, often with a military officer as Prime Minister. Holding key military positions in important units in the immediate Bangkok area has been the most common avenue to the highest national leadership. Governments often have been changed extraconstitutionally by generally bloodless military coups. However, since 1978, as Thailand has become a more developed, complex society, there has been an evolution toward democratic change and constitutional process, with free elections assuming a larger role. The failed 1985 coup attempt by a small military group which lacked general military support was a reminder that constitutional processes are still shallowly rooted. It is generally assumed that the military has not abjured intervention in the political process, but now usually acts quietly from behind the scenes. The Government does not normally make decisions which the military would strongly disapprove. Active duty military officers are prohibited constitutionally from holding cabinet posts.

THAILAND

Prime Minister Prem is supported by parties holding somewhat more than half the elected seats in the National Assembly. The 1986 national elections for the Lower House were open and free, and 16 parties fielded a record number of candidates. A four-party coalition government subsequently was formed. Opposition parties regularly present opposing views both within the National Assembly and through the mass media. The Thai National Assembly almost invariably has dissenting votes on legislation and on procedural decisions.

The overwhelming majority of adult Thai have the right to vote. The Government encourages voter turnout, but does not use either direct or indirect pressure to compel voters to cast ballots. Actual voter turnout for both national and local elections generally exceeds 50 percent, and the 1986 parliamentary election topped 61 percent of eligible voters--a record.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has responded in the past to specific inquiries from Amnesty International and the International Commission of Jurists. It is generally willing to discuss human rights problems with both domestic and international human rights organizations. Human rights organizations of all kinds are permitted to visit Thailand, meet with appropriate government officials, and lobby for corrective action.

Local civil and women's rights groups, active on a wide range of issues including prostitution and enforcement of labor laws, have generally devoted most of their efforts to the promotion of women's rights and identifying and correcting human rights violations. Thai human rights organizations have had significant success in recent years. They have, for example, successfully encouraged the Government to tighten the discipline of police and paramilitary forces fighting the Communist insurgency and have brought pressure on the Government to alleviate widespread abuses in child labor practices. Local representatives of Amnesty International appealed the death penalty given to a former Communist insurgent during 1986 and are awaiting a decision on a royal pardon.

Thailand has involved itself directly in international human rights efforts, but generally has not taken inititatives in United Nations forums. It has, however, taken a leading role in preparing ASEAN resolutions in regard to Cambodia, including human rights violations, which are considered annually by the United Nations. Thai representatives were among the founding members of the Regional Council on Human Rights in Asia, a forum for the exchange of human rights information established in February 1982. Thai members of the Council helped draft a declaration on human rights to serve as the organization's statement of policy and goals.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Thailand has made considerable progress, particularly considering its limited resources, in accomplishing the integration of its minorities. While Thailand is generally regarded as a tolerant and relatively homogeneous society, there are ethnic factors which affect social and cultural

aspirations. Although present in Thailand for several generations, some hill tribes are not regarded as citizens.

Ethnic Chinese are spread throughout Thailand, with a concentration in Bangkok. Although the Chinese are better assimilated and integrated in Thailand than elsewhere in the region, there is a tradition of populism directed against the trading and financial activities of the Chinese.

Muslims are a significant minority and represent a majority in the southernmost provinces along Thailand's border with Malaysia. The Thai government is very aware of their special needs and has put much effort into regionally targeted development efforts and the creation of educational opportunities in order to integrate Thai Muslims into Thai society. However, Muslims continue to be underrepresented in government service, the professions, and as participants in higher education.

A community of Vietnamese and their offspring living in the northeast since 1954 cannot become Thai citizens, and in most cases are restricted in movement, education, and employment opportunity. It was long expected that they would eventually be repatriated to Vietnam. In the meantime, these restrictions represent, in part, a conscious Thai policy to discourage further emigration from Vietnam, and in part a reaction to the judgment that they represent a kind of "fifth column" within Thailand as many appear loyal to Communist Vietnam.

The status and role of women has improved steadily over the past several years. For the most part, women have equal legal rights in Thailand, with specific guarantees of property and divorce rights, and there are no allegations that these rights are denied. Women vote in numbers equal to men and participate fully in the political process. There are several female members of the national legislature. However, women generally are underrepresented in national politics and in high governmental positions. They are well represented in the labor force and are becoming increasingly so in professional positions, particularly those in the commercial sector. In general, women are not legally barred from positions traditionally held by men. Despite limitations on serving in the armed forces, female officers routinely have solid careers, reaching the rank of colonel. In rural areas, sex stereotypes exist with respect to occupational and social roles. These barriers are being modified as mass communications bring modern role models to even the most remote communities.

CONDITIONS OF LABOR

Work conditions vary widely in Thailand. Medium and large factories, which produce most of Thailand's export goods, work 8-hour shifts and have working conditions which are reasonable by international standards. Where there are deficiencies, including child labor abuses and unsafe working conditions, they are confined to the sectors of small manufacturing enterprises producing lower quality goods for the local market, where it is difficult to enforce labor standards. In Bangkok and surrounding provinces, where most industry is located, the minimum wage is $2.68 per day. This standard has been difficult to enforce, however, and many workers receive less than the minimum, especially in construction and the domestic, nonexport-oriented sectors of the economy.

THAILAND

Thai law prohibits the employment of children under the age of 12. Employment of children 12 to 15 years of age is permitted for "light work." A recent study sponsored by a Thai government agency concludes that the laws governing child labor are inadequate by International Labor Organization standards and are poorly enforced, and that both children and adults work in substandard conditions. Each year the press carries reports of child labor abuses, including reports of children held as virtual captives by their employers. A recent informal survey by a leading newspaper concluded, for example, that more than 100,000 children over the age of 11 are employed in manufacturing, earning an average of $1-$2 per day. A major part of the problem is that Thai labor protection law is vague, lacks severe punishment for offenders, and does not differentiate between adult and child workers.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: THAILAND

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	41.9	41.8	37.8
LOANS.....	18.1	12.5	3.5
GRANTS.....	23.8	29.3	34.3
A.AID	35.9	35.9	31.1
LOANS.....	18.1	12.5	3.5
GRANTS.....	17.8	23.4	27.6
(SEC.SUPP.ASSIST.)...	9.1	8.0	5.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	6.0	5.9	6.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	6.0	5.9	6.7
PEACE CORPS.....	3.0	3.2	3.1
NARCOTICS.....	3.0	2.7	3.6
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	101.2	102.3	87.5
LOANS.....	94.0	95.0	80.5
GRANTS.....	7.2	7.3	7.0
A.MAP GRANTS.....	5.0	5.0	4.8
B.CREDIT FINANCING....	94.0	95.0	80.5
C.INTL MIL.ED.TRNG....	2.2	2.3	2.2
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	143.1	144.1	125.3
LOANS.....	112.1	107.5	84.0
GRANTS.....	31.0	36.6	41.3
OTHER US LOANS.....	16.3	0.0	0.0
EX-IM BANK LOANS.....	16.3	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	290.4	481.4	437.0	6220.5
IBRD	152.6	112.5	93.0	3675.0
IFC	57.7	0.6	332.9	565.2
IDA	0.0	0.0	0.0	125.1
IDB	0.0	0.0	0.0	0.0
ADB	75.0	364.1	11.1	1730.9
AFDB	0.0	0.0	0.0	0.0
UNDP	1.6	4.2	0.0	75.0
OTHER-UN	3.5	0.0	0.0	49.3
EEC	0.0	0.0	0.0	0.0

TONGA

The Kingdom of Tonga comprises 169 islands scattered over an area of 360,000 square kilometers of the South Pacific. All but a handful of the 104,000 inhabitants are Polynesian. Tonga is a constitutional monarchy, with political life dominated by the King and a few nobles. In 1900 Tonga entered into a protectorate association with Great Britain. In 1970 it became fully independent again and joined the Commonwealth. Tonga's economy is based almost exclusively on the cultivation of tropical and semi-tropical crops. An increasing demand for imported manufactured goods and products not available locally has led to a substantial balance of trade deficit. This has largely been offset thus far by remittances from Tongans employed abroad, overseas aid, and, to a lesser degree, by tourism. There were no significant human rights issues in Tonga in 1986.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no politically motivated killings by the Government or opposition political forces.

b. Disappearance

There were no disappearances, nor was there any evidence of people being abducted, secretly arrested, or clandestinely detained.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and cruel, inhuman, or degrading treatment or punishment is prohibited by law and there were no reported instances of such practices.

d. Arbitrary Arrest, Detention, or Exile

Habeas corpus is enshrined in the Constitution and observed in practice. There is no preventive detention and no exile, internal or external. Forced labor is prohibited by law.

e. Denial of Fair Public Trial

The right of a fair public trial is guaranteed by law and honored in practice. No one may be summoned before any court without first having received a written indictment clearly stating the offense with which he is charged. Defendants are entitled to counsel, and counselors have free access to defendants. The judiciary is independent of government interference, and there are no special courts for political or security offenses. Tonga has no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

By law no one may enter or search the home of another, or remove any item of property unless in possession of a warrant issued by a magistrate. There is no arbitrary intrusion of the state or political organizations into the private life of the individual.

TONGA

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press is guaranteed by the Constitution. Tonga's radio station and the country's largest circulation newspaper are government owned. Other components of the media are privately owned. There were no known instances of abuse of freedom of speech and press.

b. Freedom of Peaceful Assembly and Association

Peaceful assembly and association are provided for by law. There are no significant restrictions. Tonga passed a trade union act in 1964, but to date no union has been formed.

c. Freedom of Religion

Freedom of religion is guaranteed by the Constitution and observed in practice. Missionaries may proselytize without impediment.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Tongan citizens are free to travel anywhere within the Kingdom and abroad. There are no restrictions on repatriation. There are no displaced persons in Tonga.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The King and a small group of hereditary nobles dominate political life in Tonga. They assert authority largely through their control of substantial land holdings. The Constitution allows the monarch broad powers, many of which do not require the endorsement of the legislative branch. The King appoints and presides over the Privy Council, which makes major policy decisions. (When the King is not presiding, the Privy Council is called the Cabinet.) The King also selects the prime ministers and other cabinet ministers, who hold office at his pleasure. Tonga's unicameral legislature, the Legislative Assembly, consists of 7 nobles elected by their peers (33 noble titles are recognized by the Constitution), and 7 people's representatives elected by all literate, tax-paying males and all literate females over 21. The King appoints a speaker from among the nobles' representatives. Government ministers and nobles' representatives generally vote as a bloc. People's representatives sometimes vote against the Government. Elections are held every 3 years. There are no political parties.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights

There have been no reported allegations of human rights violations by the Government. There are no local nongovernmental organizations which concern themselves with human rights. Tonga is not represented at the United Nations; and the Government has not taken an active interest in international affairs, including international human rights matters.

TONGA

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Social, cultural, and economic facilities are available to all citizens regardless of race, religion, or sex. While the strong Polynesian cultural tradition has not encouraged the rise of women to positions of leadership, women have become members of the legislature and served in responsible positions in several ministries. The existence of a hereditary class of nobles is generally accepted because of a long tradition dating back over 1,000 years and because obligations and responsibilities are reciprocal. Although the nobles may be able to extract favors from people living on their estates, they must likewise extend favors to their people. However, increasing educational opportunities for young commoners and a concomitant increase in their political awareness has stimulated some dissent against the nobility system.

CONDITIONS OF LABOR

By regulation the workweek in Tonga is limited to 40 hours. A panel chaired by the Minister of Labor, Commerce, and Industry has been empowered to set minimum wage guidelines but had failed to do so as of October 1, 1986. Worker rights legislation covering such matters as safety standards, conditions of employment, and child labor is pending in the Legislative Assembly. Legislation for the provision of social security benefits to the work force has been under consideration by the Government since 1983.

VANUATU

Vanuatu, the former New Hebrides, is a South Pacific island nation with an estimated population of 136,000. One of 3 countries comprising Melanesia, Vanuatu became independent in 1980, following more than 70 years of joint British-French rule. It has a parliamentary system of government with a prime minister and a parliament, the Representative Assembly. Independence was accompanied by temporary political turbulence, including an attempt at secession, which left a legacy of suspicion of outside interference. However, most of the internal strains from the 1980 secessionist rebellion have subsided.

Political legitimacy in Vanuatu is based on majority rule, supported by both Melanesian and Western tradition. The first general election since independence, held in November 1983, was vigorously contested and democratically conducted. A second parliamentary election is scheduled for 1987. The courts are independent and solicitous of individual rights. The police and military are under civilian control.

The Vanuatu economy resembles that of other Pacific island states in its dependence on international trade and its vulnerability to shifts in world market prices. Tourism formerly earned more foreign exchange than all exports combined but recently has been very depressed.

The favorable human rights situation in Vanuatu changed little in 1986.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Neither the Government nor any organized group resorts to political violence.

b. Disappearance

There were no reports of politically motivated disappearance.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Constitutional guarantees against torture and cruel, inhuman, or degrading treatment are observed in practice and enforced by the courts. Prisoners have recourse to an Ombudsman.

d. Arbitrary Arrest, Detention, or Exile

There are no politically motivated arrests in Vanuatu. Arrest is by warrant. There is no exile. Suspects have free access to a lawyer of their choice. The constitutional guarantee that suspects will be informed of charges and given a speedy hearing before a judge is observed. The use of forced or compulsory labor is not permitted, and there have been no reports of either practice.

e. Denial of Fair Public Trial

The courts uphold constitutional provisions for a fair public trial, presumption of innocence until proven guilty,

prohibition against double jeopardy, the right of habeas corpus, and appeal to the Supreme Court. The courts are independent of military or executive interference. There were no reports of arbitrary or unfair exercise of judicial authority.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Sanctity of the home and family and privacy of correspondence are observed.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although freedom of expression is guaranteed by the Constitution, the Government publishes and controls the country's only national newspaper and manages the national radio station. There is no independent newspaper or radio.

b. Freedom of Peaceful Assembly and Association

There are no restrictions on the formation of political parties or trade unions in Vanuatu. There are two main political parties and several relatively new smaller parties. To an extent unusual among Pacific island states, the ruling Vanua'aku Party is the primary policymaking body; its decisions are implemented by the Government. Vanuatu has a small but active trade union movement with the right to organize, strike, and bargain collectively. As of 1984, there were 21 registered trade unions and 6 employer associations. In February 1984, a labor council, the Vanuatu Trade Union Congress, was formed and became a member of the International Confederation of Free Trade Unions.

c. Freedom of Religion

Freedom of religion is protected by law and respected in practice. Missionaries of various Christian denominations work without restriction.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

All Vanuatu citizens are free to travel internally and externally. There are no restrictions on returning from abroad.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Vanuatu is a multiparty democracy. Numerous candidates competed in the parliamentary elections in 1983; both the campaign and voting were considered by outside observers to have been fair. Elections to provincial and local councils have also been contested and fair. However, members of the opposition complained in the latter part of the year that they were denied use of both the government-owned radio and press to a significant degree.

VANUATU

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government publicly has expressed willingness to permit investigation by qualified and objective outside observers. There were no charges of human rights violations in 1986.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Most of the people are Melanesians whose ancestors migrated from New Guinea. There are small minorities of Chinese, Fijians, Vietnamese, Tongans, and others; most of them are concentrated in the two towns and on a few plantations. These minorities are not discriminated against. Although there have been rumors of corrupt practices by members of the ruling Vanua'aku Party, there is no evidence to suggest a pattern of discrimination in government provision of basic services.

While women have equal rights under the law, they are only slowly emerging from a traditional culture characterized by male dominance, a general reluctance to educate women, and a widespread belief that women should devote themselves primarily to propagation and child rearing. Nevertheless, an increasing number are finding work in the unskilled, semiskilled, and social occupations. Although the 39 seats in the Representative Assembly are all held by men, there was a woman candidate in the 1983 election, and she was defeated by only a small margin. Several women hold senior positions in the Government, but otherwise women have not found their way into positions of leadership.

CONDITIONS OF LABOR

In 1985 a minimum wage law was adopted. There is also legislation regulating conditions of work, including hours, and with provisions concerning child labor. No information is available on occupational safety and health legislation. A large proportion of the population is still engaged in subsistence agriculture or fishing.

VIETNAM

The Socialist Republic of Vietnam (SRV) is a totalitarian state ruled by the Vietnamese Communist Party, the sole source of power. While the party is attempting to promote younger leaders to decisionmaking levels, the current leadership is essentially from the same group which fought the long war of independence from France, took power in the north after the country was partitioned in 1954, launched the armed effort to gain control of the southern Republic of Vietnam in the early 1960's, and unified Vietnam after the fall of Saigon in 1975.

A nationalist movement has characterized Vietnam's history for more than 1,000 years. Resistance against encroaching Chinese empires to the north and Vietnamese expansion at the expense of declining civilizations (the Cham and Khmer) to the south and west have had a major effect on Vietnamese political culture, reinforcing a perception of Vietnam as the natural leader of Indochina and fostering a narrow sense of identity in the generally northern-based Vietnamese leadership group.

These perceptions have important implications for human rights in Vietnam. Regional, religious, ethnic, and other groups outside of the northern, Communist core are viewed with suspicion. The loyalty of southerners has been questioned because of their separate political and cultural history. The Central Committee named by the Sixth Communist Party Congress in December has a larger number of southern members than had been chosen in the past. The practical effects of this change on regional power-sharing, however, cannot yet be determined. Many religious leaders, despite legally guaranteed freedom of religion, have been imprisoned on political charges. Tremendous pressure has been brought to bear on ethnic Chinese Vietnamese, who are considered a potential fifth column. Those who have not fled are closely watched. Cham Muslims in the south and the tribesmen of the central highlands are targets of government campaigns to erase their cultural identities.

The public security apparatus is pervasive in the surveillance and control of the citizenry. Arrests for alleged political crimes do not require warrants; the Government can imprison those suspected of political crimes in "reeducation camps" without trial or charge. Fundamental rights and liberties are severely restricted.

Vietnam also plays the key role in determining the state of human rights in neighboring Cambodia. Major violations of Cambodian human rights have been perpetrated during the Vietnamese occupation. The fundamental right of self-determination continues to be denied to the Khmer people. Because Vietnam has substantial control over the policies and actions of its surrogate regime, the People's Republic of Kampuchea, it must bear significant responsibility for that Government's violations of human rights.

Vietnamese from the south are still subject to arrest for past association with the former government; all Vietnamese are subject to arrest for espousing political ideas contrary to accepted Communist ideology. Hanoi has denied basic civil rights, working papers, and ration coupons to many Vietnamese deemed politically unacceptable. Former reeducation camp prisoners and others without government-sanctioned employment often are forced to move to "New Economic Zones," where it frequently proves impossible to wrest even minimum subsistence from the land. The only option then left is to flee these areas to live illegally in the underground economy.

VIETNAM

There was no improvement in the human rights situation in Vietnam during 1986.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Former reeducation camp prisoners have reported summary executions for escape attempts and resistance to camp authorities. A former inmate in a prison for persons who have attempted to leave Vietnam illegally has reported that prisoners who refused to obey guards' orders were executed. Other reports indicate that inmates have been shot attempting to escape from the camps. Conditions in the camps are brutal; a significant number of deaths result from malnutrition, exhaustion, and other unnatural causes. There is little current information on the activities of minority and ethnic Vietnamese resistance groups against government authority. In the past, these groups have targeted Vietnamese military units and, less often, public security and administrative officials. The number of such attacks in recent years appears to be small.

b. Disappearance

There is no evidence of systematic political kidnaping by government security organizations since the period immediately following the fall of the Saigon government in 1975, when thousands were taken into custody extralegally. There have been no reports of disappearances or hostage-taking by forces resisting government authorities.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Reports from refugees are consistent and credible concerning the severity of the conditions for prisoners in the reeducation camps. Prisoners face severe and often arbitrary punishment for minor infractions of camp rules, substandard nutrition, and poor or nonexistent medical care. Political prisoners routinely are made to do hard labor. These conditions have resulted in acute suffering, permanent physical impairment, and often times death. It has been reported that persons imprisoned for attempting to flee Vietnam have been beaten to death during interrogation.

d. Arbitrary Arrest, Detention, or Exile

For major crimes, including alleged political offenses, public security officials may legally apprehend and search suspects without a warrant, then hold them for an indefinite period. Refugees have reported that authorities sometimes wait several months before notifying relatives of those arrested.

For routine crimes, a suspect may be apprehended on a warrant which stipulates the nature of the crime and which authorizes detention for 2 months prior to trial. A 2-month extension of the detention period may be obtained on application. There is no provision for bail or legal counsel prior to trial. Those suspected of political crimes may be sent to reeducation camps without trial or formal charge. The Government continues to hold large numbers of persons in the camps; one report cites as many as 60,000 detainees in reeducation camps as recently as

1983. However, in October 1985, Minister of Justice Phan Hien asserted that no more than 10,000 prisoners were being held in the camps.

Camp populations are composed of political prisoners, persons apprehended attempting to flee the country, intellectuals, chaplains, and clergy from both Buddhist and Christian groups, as well as former officials and military officers associated with the Republic of Vietnam. The Government uses the camps to remove from society those persons which it sees as dissident elements, particularly leaders. In the camps, authorities attempt to produce conformity through confinement, hard labor, self-criticism, and indoctrination. Many detainees have indeterminate sentences and the prospect of indefinite penal labor. According to one report, basic sentences for many former Republic of Vietnam officials range from 2 through 7 years. The report asserted that the length of sentence was directly correlated to rank and position held (former intelligence and psychological warfare officers were given longer than normal sentences) and inversely correlated to the bribe paid by the detainee's family. While thousands of prisoners reportedly have been released over the past 11 years, including many military prisoners below the rank of colonel, some have been rearrested.

Forced labor has been used by Vietnamese, and by local authorities in Cambodia under Vietnamese control, for projects to improve the logistical infrastructure for Vietnamese occupation troops. Credible reports indicate that the Vietnamese have also used forced Cambodian labor to construct military fortifications and defensive barriers along the Thai-Cambodian border. A number of government projects in Vietnam have used forced labor provided by reeducation camp prisoners. The adverse effects of this labor, exacerbated by the withholding of medical treatment, include malnutrition, exhaustion, and in many cases death.

On August 29, 1986, Vietnamese authorities announced an amnesty for prisoners who had made "good progress in reeducation." The announcement said sentences would be reduced in some cases, while immediate release was possible for prisoners who had completed two-fifths of their sentences. It has not been possible to assess the the actual effect of this amnesty.

e. Denial of Fair Public Trial

The Vietnamese legal system is characterized by arbitrary detention, without charge or other form of legal process, under the guise of reeducation. The defense counsel is supposed to ensure that proper legal procedures are followed, in accordance with the defendant's rights under the Constitution, and to explain the proceedings to the defendant. However, the defense counsel is not an advocate for the defendant as is the rule in other countries that have both common law and civil law systems. In general, the legal system operates as an agency for the enforcement of regime directives; it has no independence from political intervention.

Whether a new penal code announced in mid-1985 has engendered any true reform in the legal system is not known.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government operates a nationwide system of population

surveillance and control through party-appointed block wardens who use informants to keep track of each person's activities. This system exists in both urban and rural areas. It works imperfectly in southern Vietnam, however, partly because of a shortage of trusted party workers. There have been reports of official and nonofficial security wardens conducting searches of homes for draft-age males in order to fulfill draft quotas. There continue to be reliable reports that Ministry of the Interior officials inspect and sometimes confiscate mail and packages sent to Vietnam, particularly those sent to politically suspect persons or to persons of Chinese origin. Outgoing mail is also subject to inspection and censorship.

The regime has widely publicized its program to relocate millions of people to "New Economic Zones" in virgin or unproductive rural areas in order to expand agricultural production. Hundreds of thousands of Vietnamese were resettled in these remote zones during the years following the fall of the Republic of Vietnam. In many cases, the resettlement process has involved forms of coercion. The resettlement program targeted those whose views and backgrounds were seen as politically suspect and who were often therefore unable to find employment. Conditions in these zones reportedly range from extremely poor to life threatening. Almost no basic services are provided. Many resettled persons found it impossible to maintain life in these zones and have returned to the cities where they are forced to live without the ration cards and neighborhood registration cards essential to procuring regular employment, food, and essential services. Without these documents, they can be arrested arbitrarily and returned to the New Economic Zones or imprisoned.

Reports indicate that the Government continues to pursue the relocation program, despite its cost in human suffering. The 1981-85 plan called for the relocation of 1 million persons. A Ministry of Labor official claimed in August 1985 that the 1985 goal of relocating 200,000 workers would be met. An editorial in the official newspaper Nhan Dan in March said, "tasks concerning labor and population redistribution have been intensified and expanded for 1986, the first year of the 1986-90 5-year plan." The focus of the editorial was the need for proper planning and preparation for the new zones; it indicated that people leaving assigned areas because of being "sent to places thousands of kilometers away with shortages in all categories" has "undermined the people's concept of and confidence in the task."

The official rationale for the massive relocation of the people has been to increase production, particularly of cash crops such as coffee and rubber, and to reduce unemployment in urban areas. Although many workers in the zones are brought in under formal contracts, the implementation of quota requirements sometimes arbitrarily interferes with a person's right to live in a place of his own choosing.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech is severely limited in Vietnam. The Ministry of C lture and Information and Communist Party organs control all newspapers, books, and other publications, as well as all cultural exhibitions. The Government controls and censors all public sources of information and promotes "revolutionary culture" in the arts. Many prominent artists and writers have

been arrested. Refugees report that the Government has implemented electronic jamming against the shortwave radio operated by a Vietnamese resistance group which broadcasts into Vietnam. Independent criticism of the party and the Government is forbidden except within limits set by authorities, and appears to be condoned only when authorities use it to criticize the laxity of officials or groups who do not meet Party norms. Self-censorship by journalists operates without question, given the pervasive control of the party. Informants in the block surveillance system insure that even private criticism of the regime is greatly inhibited.

b. Freedom of Peaceful Assembly and Association

There are prohibitions against meeting either publicly or privately to criticize or protest government actions or policies. Nongovernmental organizations, such as church groups, can meet only for approved and narrowly defined objectives, such as religious services.

In lieu of independent labor groups, "unions" have been set up under the Vietnam Federation of Trade Unions, which is controlled by the Communist Party. Claiming 3 million members, the Federation's stated goal is to increase party control and production, rather than to improve and protect the welfare of its members. There is no right to bargain collectively or to strike. Mass organizations, such as women's federations, have been organized in other sectors of the population. They perform the same functions of control, propaganda, and policy dissemination within their respective sectors as do the labor organizations.

c. Freedom of Religion

The Government tolerates the existence of religious groups and allows religious services, but has consistently attempted to divide and control the Catholic, Buddhist, and Cao Dai churches, the Muslim community, and other religious groups. The Government perceives religious groups as potential seedbeds of subversion and political opposition. It has attempted to prevent their growth by blocking publication of religious materials and prohibiting the training of new clergy. The Government has attempted to co-opt religious groups by promoting organizations and leaders controlled by it.

Refugees have reported constant government harassment of the Catholic Church. Priests who do not follow government regulations are subject to confinement in remote villages, house arrest, and incarceration. There are reportedly over 100 priests detained in reeducation camps. Many former military chaplains of all faiths have been imprisoned since 1975. Catholic priests and nuns are subject to police surveillance. Most religious are required by the authorities to work full time in secular occupations, thus limiting their church activities. The Government has also restricted communication between rural parishes and their bishops and has sharply curtailed the ordination of new Catholic clergy. While six seminaries were theoretically reopened in 1980, no candidates met the new enrollment criteria. A former seminarian has reported that no Catholic priest has been ordained since then.

Authorities routinely disapprove half of the applications of parishioners requesting permission to attend services. Required "voluntary" work and other activities are scheduled by authorities during times of regular church services. In some

areas, daily masses must be celebrated before 6 a.m. or after 6 p.m. Sermons must be cleared or monitored by the local police. The Government does not permit the printing or importation of Bibles. Meetings between members of different parishes are prohibited. No church building can be repaired without government authorization; a number of churches have been allowed to fall into complete disrepair.

Harassment of clergy and their congregations occurs in other ways as well. Catholics are required to register as such with the authorities, although Buddhists are not. Catholics are discriminated against in employment. As a result of this persecution, the size of Catholic congregations has decreased steadily since 1975.

In the south, the Catholic Church appears to have more successfully survived in the cities than in the countryside. However, the teaching role of the Church has been severely restricted, and many churches and all but one Catholic seminary in the south have been closed. In central Vietnam, thousands of Catholics have been forcibly relocated and made to work on government construction projects. In 1982 authorities took steps to bring the Catholic Church under closer government control by creating the Catholic Patriotic Association. This attempt to weaken links with the papacy by developing a national Catholic church has been ignored by the great majority of clergy and church members.

Protestant churches have been similarly restricted. Church buildings have been taken over by authorities under various pretexts. Protestant churches in the highlands have all been closed, as has the sole Protestant college and theological seminary. There have been continuing reports of harassment of those evangelical churches which have been allowed, albeit with severe restrictions, to hold services in urban areas. Church members may not attend services with other congregations, but are restricted to their own. Authorities are said to have forbidden at least one group from meeting at all.

Most of Vietnam's 30,000 Muslims are members of the Cham minority, which the regime distrusts. The linkage of Cham, Khmer Krom, and hilltribe (Montagnard) groups created the only sizeable resistance movement in Vietnam: the United Liberation Front of Oppressed Races (FULRO). In its repression of the Cham, the Government has eliminated the position of mufti (religious leader) within the Muslim communities, disbanded organized Muslim associations, and severed links with overseas Muslims. The regime forbids the religious pilgrimage to Mecca, and has not given permission for the Muslim community to participate in the Koran reading contest held annually in Malaysia. Many Muslim schools have been closed, but most mosques remain open. Importation and publication of the Koran is forbidden.

About half of Vietnam's population is Buddhist, the majority belonging to the Mahayana sect. Vietnamese authorities have tried repeatedly since 1975 to suppress and intimidate the Mahayana leadership. Officials have seized temples and transformed them into public buildings. They have arrested monks intermittently since 1975. Hundreds of monks remain in reeducation camps, while many others are under house arrest. The travel of those not detained is severely restricted. Government permission is required for monks to travel or stay overnight away from their home temples. Some reports allege that local authorities seek to control and restrict the

community of Buddhist monks by forbidding the traditional donation of food. The majority of pre-1975 monks in the south have been forced to leave the monkhood, and few young men are allowed to join the community. Teaching of monks must often be conducted in secret, and most pagoda schools have been closed. Monks of the once politically active An Quang, Xa Loi, and Vinh Nghiem pagodas are kept under close government surveillance and the pagodas are rarely open to visitors.

The regime's suppression of the Buddhists became more systematized as a result of a conference, which it organized in November 1981 and which established the Unified Vietnam Buddhist Church. The group's charter states that it is "the only Buddhist organization representing Vietnamese Buddhism in all other relations in the country and with other countries." Strong controls are outlined in the charter: all Buddhist pagodas are placed under the control of local people's revolutionary committees; prayer sessions and meditations as well as meetings between monks of different pagodas are allowed only with the permission of the local committees. Reports suggest that the new church has no appeal to most Buddhists, who view it simply as a creature of the regime.

Most of the Therevada Buddhists are ethnic Khmer (Khmer Krom). They comprise about 800,000 persons living in southern and southwestern Vietnam, and have provided the Vietnamese forces occupying Cambodia with interpreters and staff. Nevertheless, the Khmer Krom is distrusted by the Vietnamese, partly for historical reasons. A number of Therevada leaders have been imprisoned.

Other religious groups have also been persecuted by the regime. The Hoa Hao (an anti-Communist Buddhist armed sect) strongly resisted the Communist takeover of the south in 1975. As a result, the Government violently repressed the sect and arrested virtually all of its leaders. The regime maintains tight control over Hoa Hao areas. Similarly, the regime has arrested many of the leaders of the Cao Dai, a uniquely Vietnamese armed sect comprising elements of Buddhism and Christianity. Refugees have reported police occupation of the Cao Dai Holy See in Tay Ninh City. The official press has claimed that Cao Dai leaders used the Holy See to establish an antigovernment subversive organization, broadcasting and printing antigovernment messages, and storing arms for an uprising. Some leaders have been tried and executed for these activities, according to the official media. The trial of 2 Cao Dai leaders and 31 alleged accomplices was publicized in August 1983. Since the Hanoi regime views religion as a possible source of political opposition, adherence to a religious sect is incompatible with membership in the Communist Party. Party membership is, in turn, a prerequisite for political, economic, and educational advancement in Vietnam.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Approval is required for all foreign travel. Identity cards are required for internal travel. No one is allowed to change his residence or work location without permission from the authorities. Since public security cadre frequently check each household's occupants against the official family register, unauthorized absences can subject families to intrusive surveillance and other harassment. Permission for temporary travel abroad is normally granted only to government officials or approved spokesmen for quasi-governmental organizations.

VIETNAM

Several factors have combined to fuel the exodus of more than 1 million people since 1975. Among them are severe political repression, ethnic and religious persecution, discrimination in economic, cultural, and educational opportunities, fear of imprisonment or of forced resettlement to remote areas, and fear of being conscripted to fight in Cambodia.

In early 1978, the Vietnamese adopted a program to "facilitate" the departure of ethnic Chinese and others as refugees. The program was administered through special offices at the provincial level which charged large fees for exit permits and passage. At its height in early 1979, the boat exodus of mostly ethnic Chinese reached over 40,000 people a month. Those fleeing were exposed to extreme hardship at sea, where untold thousands of lives were lost.

At the International Conference on Vietnamese Refugees held in Geneva in July 1979, Vietnam announced a moratorium on these refugee departures. Information from refugees who have left Vietnam since then indicates that, in general, the authorities are no longer officially assisting such departures, although many assist extra-officially for a financial consideration. In May 1979, the United Nations High Commissioner for Refugees (UNHCR) reached agreement with Vietnam on the legal departure of persons under the Orderly Departure Program (ODP). Emigration under this program started slowly, with only some 13,000 departing Vietnam in the 27 months between July 1979 and October 1981. Vietnam then expanded the program. Cumulative departures through September 1986 totaled 113,600. In January 1986, the Vietnamese halted UNHCR interviews of ODP candidates, complaining of slow processing of persons on Vietnamese lists and the creation of the so-called backlog. Negotiations to resume the interviews continue.

Refugees continued to leave Vietnam clandestinely during 1986, although at a somewhat slower rate than in previous years. Hanoi and provincial radio stations have broadcast reports of executions or lengthy jail sentences for organizers of failed escape attempts, as well as lesser punishments dealt to others implicated. Currently, male offenders can expect sentences of 3 months or more at hard labor, depending on their role in the departure attempt, while female offenders receive 1 to 3 months, with childless women often receiving longer sentences. Reeducation camp releasees who attempt flight can expect to be returned to the camps for an indefinite term. Property, often including the means of livelihood, is confiscated from those caught trying to escape, as is the property left behind by those who succeed.

Few have returned to Vietnam after fleeing the country. Those who escaped in the immediate aftermath of the fall of South Vietnam in 1975, and later returned, were incarcerated in the camps. In only a few isolated cases has Hanoi accepted repatriation in recent years; in effect, those who emigrate lose their citizenship. Some who left Vietnam prior to 1975 and acquired nationalities and travel documents of other countries have been permitted to return as visitors.

Since the illegal occupation of Cambodia by Vietnam, large numbers of Vietnamese, possibly as many as several hundred thousand, have settled in Cambodia. Although some of these persons are former residents expelled by the Khmer Rouge, others are first-time settlers.

VIETNAM

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

All authority and political power is vested in the Vietnamese Communist Party. Political opposition to this system is not tolerated. The Political Bureau (Politburo) of the Central Committee of the Vietnam Communist Party is the supreme decisionmaking body in the nation. The Politburo's powerful Secretariat oversees day-to-day implementation of directives. The party leadership selects candidates for the Central Committee, while periodic national party congresses merely ratify the previously selected candidates. Each congress is made up of delegates from the party apparatus of each province, who are similarly selected by those at higher levels.

Ostensibly the chief legislative body, the National Assembly in fact approves without dissent the policies set by the Politburo. National Assembly elections are held in Vietnam every 5 years, most recently in 1981. The elections scheduled for 1986 have been postponed until April 1987. Local elections are held more frequently. Suffrage is effectively mandatory as one must vote in order to have ration cards validated. Voters may only strike out from the single list presented to them the names of candidates for whom they do not wish to vote .

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Vietnam is not a member of any international human rights organization, nor is it active in promoting human rights in other countries.

Foreign delegations and journalists who have been allowed to visit reeducation camps have been shown only model camps. Former prisoners have described extensive preparations to beautify camps prior to visits, temporary removal of most prisoners during the visit, and careful briefing of the remaining prisoners by Communist Party cadre on what to tell delegation members. The Government does not permit the existence of private human rights groups in Vietnam.

Vietnam reacts strongly to criticism of its human rights policies. In March 1986, an official newspaper, Nhan Dan, called the State Department's human rights report to the Congress "a brazen slander and a manifestation of the hostile attitude of the U.S. toward the Vietnamese people."

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Gradual assimilation and co-option appear to be the Government's long-run strategy for most minorities. The Government has created special schools in the Hanoi area to train minority cadres to be the "eyes and ears" of the party among their own people. Highland minorities in central Vietnam are subject to repression if suspected of ties with resistance groups. Officially programed resettlement of ethnic Vietnamese into the highlands is designed to increase government control over minority groups once dedicated to hunting, gathering, and slash-and-burn agriculture. As new inhabitants change ancient land use and ownership patterns, the tribes are being forced into settled agriculture. Minorities in the south, such as the Chinese, Indian, and Khmer, have been encouraged to leave the country.

Although southerners have been appointed to some ministerial and National Assembly positions, the leadership's distrust of them is a significant factor in the assignment of political responsibilities. Non-Communist southerners who were involved in the National Liberation Front before 1975 have been systematically deprived of political power. Even Communist southerners were rarely raised to senior positions before the Sixth Congress.

Ethnic Chinese are severely discriminated against through denial of officially sanctioned employment and educational opportunities. Former military officers of the Republic of Vietnam are systematically denied employment; the children of former military and civilian officials are denied university education by a review of family backgrounds which culls out "undesirable elements." Persons released from reeducation camps are formally denied civil rights for an indefinite period and are subject to severe restrictions in employment and travel.

Primary education is claimed by the authorities to be universal (97 percent in 1980), but some children, such as the Amerasians (the children of Americans who served in Vietnam), are not allowed to attend school. Education above the elementary level, particularly at higher levels, is often restricted to those with approved political backgrounds. The party committee in each school reportedly has the final determination as to who will graduate. Similarly, study abroad is restricted to politically acceptable persons.

Despite the promises of the Communist Party to emancipate women, and the important administrative and productive roles of Vietnamese women in the war against the United States, women in Vietnam today do not have the positions in the leadership of the country which their numbers would warrant. There are no women in the Vietnamese Politburo and only a handful in the 149-member Central Committee. A total of 108 (22 percent) of the current National Assembly members are women. Despite having proved themselves in administration during the war, Vietnamese women have retreated from management positions they held at that time.

CONDITIONS OF LABOR

No current information is available on minimum age laws, occupational safety laws, or other legislation concerning conditions of labor. Wages and hours of work are regulated by the Government. Wages for most workers are generally at or under basic subsistence levels.

At least 55,000 Vietnamese workers have work under contract in various occupations in the U.S.S.R. and in Eastern European countries. A significant portion of their wages is deducted to help pay for Vietnam's debt to those countries. It appears that most of these workers enter this work program in order to escape the poverty and unemployment of present day Vietnam.

WESTERN SAMOA

Western Samoa, a small Pacific island country with a population of around 165,000, is located approximately 1,600 miles northeast of New Zealand. It received independence from that country in 1962 and still looks to it as a model for its democratic practices and educational system. On receiving independence, it adopted a Constitution proclaiming the nation to be an independent and sovereign state based on "Christian principles, and Samoan customs and tradition." The Constitution established a parliamentary democracy on the Westminster model but with certain concessions to Samoan cultural practices. It provides for a Samoan head of state, a unicameral legislature, an independent judiciary, protection of Samoan land and traditional Samoan titles, and guarantees of fundamental rights and freedoms. Executive authority is vested in a head of state, with government administered by a cabinet consisting of a prime minister and eight ministers chosen by the prime minister. All legislation passed by the legislative assembly needs the approval of the head of state before it becomes law. The present Head of State, Maliefoa Tanumafill II, holds the position for life. His successors will be elected by the Legislative Assembly for 5-year terms.

The culture of Western Samoa is essentially Polynesian but uniquely Samoan. A proud people, Samoans believe that all Polynesian people trace their origins to Samoa. Traditional authority is vested in the matai (village chief or selected leader of an extended family). Each extended family, or aiga, has at least one matai, who is appointed by consensus of the aiga. Ownership of land is legally vested in the matai. It is the matai's responsibility to direct the economic, social, and political affairs of the aiga. There are 362 villages in Western Samoa with a total of over 12,000 matai. Each village is governed by a fono or council of matai, which can fine or otherwise punish offenses against village rules.

There were no significant human rights problems in 1986.

The economy is primarily agricultural and beset by many of the problems of a developing country. It is particularly susceptible to shifts in world prices for its export commodities such as coconut oil. In an attempt to improve its current accounts deficit, the Government has implemented austerity measures. In 1984 per capita income was $616.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person Including Freedom from:

a. Political Killing

Killing for political motives, whether by the Government or opposition political organizations, does not occur.

b. Disappearance

There were no secret arrests, clandestine detentions, or abductions.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and cruel, inhuman or degrading treatment or punishment are prohibited by law, and there have been no

reports of such practices.

d. Arbitrary Arrest, Detention, or Exile

There are no political prisoners. The Constitution guarantees freedom from forced labor. There are full and effective legal safeguards of internationally recognized rights in this area.

e. Denial of Fair Public Trial

Western Samoan law guarantees the right to a fair public trial, and this right is honored. All charges are stated formally and clearly. Defendants are entitled to counsel. There are no special courts to deal with political or security offenses, and the judiciary is independent of government interference or influence. Decisions of village matai about customary law are not subject to judicial review, but arbitrary or excessive punishments would be difficult to enforce.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government respects the privacy of the people and does not permit arbitrary interference with the family, home, or correspondence. Both law and local custom provide for protection from invasion of the home or seizure of property without substantive and procedural safeguards, including search warrants.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press are fundamental parts of the Constitution. They are respected in law and practice. The press is independent of the Government.

b. Freedom of Peaceful Assembly and Association

The Constitution guarantees the right of peaceful assembly and the right to form associations and unions. There are no significant restrictions. While trade unions have not emerged in the private sector, the public service has an employee association which engages in collective bargaining. The Government has permitted efforts to develop unions within the country, and the courts have upheld the rights to strike and to enter into collective bargaining.

c. Freedom of Religion

Freedom of religion is guaranteed in the Constitution, along with freedom of thought and conscience. Each person is guaranteed the right to change religions or belief and to worship or teach religion alone or with others. There is no government-favored religion. Nearly 100 percent of the population is Christian.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution guarantees the right to travel and move freely throughout Western Samoa and to change residence. Samoans are free to travel abroad, and they can emigrate and

return to Samoa without restriction. There are no refugees from or in Western Samoa.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Power in Western Samoa is vested in the Prime Minister and the Legislative Assembly. Under the Constitution, the Assembly is elected every 3 years. Forty-five of its members are elected by the approximately 12,000 matai, and the other 2 seats are filled by universal suffrage of those citizens who are not Samoan by heritage. Although there is some pressure for extending suffrage to all citizens, the concept is seen by many as conflicting with "Fa'a Samoa" (the Samoan way). The existing system is viewed as being democratic, in that the "matai" traditionally consult with their extended families before making decisions such as choosing among candidates for the Assembly. The matai system is conservative but does allow for change. While Samoans must show respect and obedience to their "matai" in family and communal affairs, the matai have well-defined responsibilities which, if not met, can result in removal.

Western Samoa has only the rudiments of political parties. The most prominent political organization, the Human Rights Protection Party (HRPP) was founded in 1982. Its founder, Va'ai Kolone is currently Prime Minister. Although a second party was formed shortly before the elections of February 1985, the political process in Western Samoa remains very much a function of personality rather than party. In recent experience, elections have occurred more frequently than the prescribed 3-year cycle, primarily as a result of no-confidence votes.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No requests for human rights investigations were made to the Western Samoan Government in 1986, nor have human rights organizations found cause for comment or special reporting on Western Samoa. There are no internal official or nongovernmental human rights organizations in Western Samoa.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Samoan politics and culture are the product of a heritage of chiefly privilege and power, and persons of good family have certain advantages. Women traditionally occupy a subordinate role, although exceptions, including women matai and members of Parliament, are common. The functioning of the matai system, including the democratic consensus method of selecting the matai themselves, tends to work against discrimination.

The Samoan Constitution makes special provision to preserve the political rights of non-Samoans. Persons of mixed ancestry who are culturally Samoan are accepted and can attain positions of considerable wealth and influence.

CONDITIONS OF LABOR

The Labor and Employment Act of 1972 and regulations of 1973 establish for the private sector a 40-hour workweek and a

minimum wage of $0.25 an hour. It is illegal to employ children under 15 years of age except in "safe and light work." The law also establishes certain rudimentary safety and health provisions, such as a requirement for fencing around dangerous machine parts. Independent observers say, however, that the safety laws are not enforced except when accidents highlight noncompliance, and that many agricultural workers, among others, are inadequately protected from pesticides and other health hazards. Part of the problem is low safety consciousness, which government education programs are addressing. The law does not apply to service rendered to the matai, some of whom require children to work at what might be considered child labor. Government employees are covered under different, more stringent regulations, which are adequately enforced.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: WESTERN SAMOA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	1.1	1.2	1.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.1	1.2	1.0
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	1.1	1.2	1.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.1	1.2	1.0
PEACE CORPS.....	1.1	1.2	1.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	1.1	1.2	1.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.1	1.2	1.0
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-85
TOTAL.....	0.1	6.6	6.9	61.2
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	0.0	2.0	2.5	10.9
IDB	0.0	0.0	0.0	0.0
ADB	0.0	4.0	4.4	40.9
AFDB	0.0	0.0	0.0	0.0
UNDP	0.1	0.6	0.0	9.3
OTHER-UN	0.0	0.0	0.0	0.1
EEC	0.0	0.0	0.0	0.0

EUROPE AND NORTH AMERICA

ALBANIA*

Albania is a one-party state ruled by a Marxist-Leninist dictatorship. The Government proclaims itself a People's Socialist Republic. Ramiz Alia, who officially replaced long-time dictator Enver Hoxha as Albania's leader in 1985, exercises personal leadership through the 140,000-member Communist party known as the Albanian Party of Labor (APL). A large, effective security service, the Sigurimi, assists the party in maintaining repressive controls over the Albanian people, who have only very limited civil and political rights.

Albania has a centrally controlled command economy under which the State owns the means of production and the Government directs all significant economic activity. Within a strategy of economic self-reliance, the Government emphasizes a policy of rapid industrialization and development. In recent years, however, the rate of economic growth has declined.

There is no persuasive evidence that the human rights situation significantly improved in Albania during 1986. Private international organizations have corroborated evidence of significant human rights violations, and the Government has repeatedly refused to cooperate with any international organizations which investigate human rights complaints.

Since assuming leadership, Ramiz Alia has pledged continuity with Hoxha's policies, including the need for continued political "vigilance." Visiting Western journalists and tourists, however, have reported signs that some restrictions on everyday life have been relaxed somewhat under Alia.

While the Alia regime has continued to isolate the Albanian population as much as possible from foreign influences, it has pursued a policy of cautiously expanding diplomatic, cultural, and commercial links abroad, especially with neighboring Balkan and Western European states. Albania is a member of the United Nations, but it has not signed the Final Act of the Conference on Security and Cooperation in Europe, nor has it ratified any international human rights covenants.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

No evidence came to light of political killings.

b. Disappearance

Persons who have escaped from Albania report that disappearances occur, but corroboration is not available.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Criminal Code prohibits and provides punishment for the use of physical or psychological force during investigations.

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*The United States has not had diplomatic relations with or official representation in Albania since 1939. It is difficult, therefore, to comment authoritatively on conditions in Albania.

Nevertheless, former political prisoners have often alleged that they were beaten or otherwise ill-treated during investigation proceedings to force them to make confessions. Although some of the worst abuses of the past may have ended, it appears that Albanian investigators still resort to threats and beatings to obtain confessions or collaboration. In the absence of independent means of investigating these charges, it is difficult to corroborate such reports, but the pattern of allegations suggests there is at least some truth to them.

Private international humanitarian organizations have reported extremely harsh prison conditions in Albania, including a severe hard-labor regime with inadequate food and clothing, long-term solitary confinement, cramped cells without room to lie down, and unheated, unfurnished cells lacking any sanitary facilities. The Burrel prison and Spac and Ballsh labor camps, in particular, have been noted for their harsh conditions.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that no one may be arrested without court or prosecutorial approval or be sentenced to jail without a court verdict or for an act which is not a crime. The Criminal Code, however, is explicitly ideological and officially characterized as a "weapon in the class struggle." Its provisions defining political offenses are loosely formulated, allowing the courts to interpret them broadly to punish whomever the regime desires.

The Criminal Code lists 34 crimes, 12 of which are political offenses, for which the death sentence may be imposed. Among these are such nonviolent political offenses as: unauthorized leaving or "flight" from the State, agitation and propaganda against the State, creation of a counterrevolutionary organization or participation therein, concealment of a person who commits a crime against the State, activity against the revolutionary movement of the working class, and refusal to carry out a duty or coercing others to refuse.

The Criminal Code also provides that banishment (generally to a state farm or enterprise) or internment may be administratively imposed, without trial, for up to 5 years on persons whom the authorities consider a threat to the Communist system and on the families of fugitives. Amnesty International's 1986 Report notes that several members of a family, regarded by the authorities as politically suspect, were interned for about 3 months shortly before the death of Enver Hoxha in 1985. Various members of this same family were said also to have been interned on earlier occasions.

There are numerous reports that families of escapees from Albania have been imprisoned or interned as a deterrent to other potential illegal emigrants. Amnesty International has reported a number of such cases in recent years, but another source claimed that close relatives of recent escapees are no longer interned.

Amnesty International reports that political detainees lack adequate legal safeguards during pretrial investigations. By law, investigations into crimes against the State must be completed within 3 months, but extensions are easily obtained, and no effective maximum period of investigation is enforced. Most investigations into political offenses are completed within 4 months, but Amnesty International charges that some

investigations have dragged on for more than a year. Political detainees have been held in solitary confinement for up to 6 months during pretrial investigations without access to lawyers or relatives. The Criminal Code provides that accused persons must be informed when investigation of their cases is concluded and allowed to examine all the evidence to be brought against them. Usually, however, they are not allowed to examine all the materials and are shown only a copy of the indictment. While investigators are theoretically bound by rules of procedure, and the accused may appeal to higher authority against investigators who violate proper procedures, there do not appear to be any effective controls on the powers of investigators in political cases.

Information on forced labor is not currently available.

e. Denial of Fair Public Trial

The judicial system includes a Supreme Court and regional and district courts. Like all organs of the Government and state authority, the judicial system appears to be under the total control of the APL. There is virtually no chance a court would render an independent verdict in conflict with the wishes or policies of the regime.

Amnesty International reports that persons accused of political crimes lack adequate legal safeguards during their trials. Defendants at political trials have usually been denied defense counsel and have had to conduct their own defense. Major political trials of state officials are closed when it suits the purposes of the regime, but most political trials of ordinary citizens are held in open court. These trials last no more than 1 day, and there have been no known acquittals.

Reports of the number of persons in prison range from 4,000 to 40,000, including 300 members of the pre-World War II elite, as well as pro-Soviet, pro-Chinese, and other political prisoners. Many persons are serving sentences for expressing dissatisfaction with conditions in Albania or for trying to flee the country. Amnesty International reports it has the names of almost 400 political prisoners held in Albania during the 1970's and 1980's, but believes this is only a fraction of the true figure. Former political prisoners report about 2,400 political prisoners were held in the Ballsh and Spac labor camps during the early 1980's. Some 300 more were imprisoned at Burrel, and others were held in Tarovic, Kosove, and Tirana prisons. Although the Government declared an amnesty on November 15, 1982, there is no independent confirmation of the number of persons amnestied, and there are reports of further political arrests since 1982.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution proclaims the inviolability of the home and the privacy of correspondence but at the same time provides that these and other civil rights are subordinate to the general interest and cannot be exercised in opposition to the Socialist order. Observers generally believe that the authorities can and do violate the privacy of the home whenever and to the extent necessary to achieve their ends. The Government uses its pervasive informer network to report on, among other things, the private lives of its citizens. Children are taught to report their parents' activities in the

home, such as whether they practice religion or speak against the Government. Contact with the outside world is carefully monitored. Refugees have reported difficulties they had while in Albania in receiving mail or telephone calls from relatives living abroad. Sometimes packages of food, medicine, and clothing sent to them were returned by the Albanian authorities.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution states that citizens enjoy these freedoms, it provides that they may not be exercized in opposition to the Socialist order. Consequently, the Government has imposed rigid restrictions on freedom of speech and press. Any citizen who publicly criticizes the Government is subject to swift and severe reprisals under an article of the Constitution which forbids anti-State agitation and propaganda. Amnesty International claims in its 1986 Report to have received information about a number of persons convicted under this article and serving sentences of up to 20 years for peacefully expressing views critical of economic or political conditions in Albania.

All news media are government controlled and never criticize the state and party leaderships or their policies. Art and literature are deemed to be weapons of revolutionary change and are subject to rigid state control and censorship. The authorities also manipulate scholarly inquiry and publications for political purposes, particularly in such fields as linguistics, literature, economics, history, geography, folklore, and ethnology.

Information from abroad is carefully controlled, and persons having unauthorized contacts with foreigners have been reprimanded or jailed, although there is some indication that such restrictions may have been relaxed somewhat lately.

b. Freedom of Peaceful Assembly and Association

The security police deal severely with group activities that do not have government sanction or that might appear to be in opposition to the leadership. There are no independent associations or organizations; all are controlled by the APL.

Nearly all Albanians belong to trade unions that are part of the United Trade Unions of Albania, an arm of the APL. These unions have no significant independent voice in labor relations, although they play a key role in indoctrinating and propagandizing the workers, in maintaining labor discipline, and in organizing the periods of so-called "voluntary" manual labor in which all Albanians are expected to take part.

c. Freedom of Religion

All religious activity in Albania is expressly prohibited by the Constitution and by government policy. Historically, about 70 percent of all Albanians were Muslim, nearly 20 percent were Orthodox, and a little more than 10 percent were Roman Catholic. A recent refugee report estimated that between 2,000 and 2,500 Jews live in Albania.

In 1967 the Government proclaimed Albania the first atheist state in the world, abrogated all laws dealing with

church-state relations, and began an active campaign to eradicate all vestiges of religion. More than 2,100 mosques, churches, monasteries, and other institutions were closed, their fixed assets were seized without compensation by the authorities, and many religious leaders were persecuted, imprisoned, or even executed for continuing their religious functions. All religious literature was banned, as were any personal manifestations of religious belief or practice. While a few outstanding historic churches and their religious art are being restored as museums, most churches and mosques have been converted to other uses.

The regime continues to suppress religious activity by threatening harsh penalties for believers who practice their faith and by obliging citizens to inform on believers. Nevertheless, there have been some signs that the regime is quietly toning down its antireligious campaign, as Tirana tries to improve its relations with Italy, Greece, and Turkey. There has been, however, no official statement that religious practice is once again allowed. Despite years of antireligious pressure, there are reports that some Albanians have continued to practice their faith in their own homes, particularly in villages and in more remote mountainous areas. Tourists have also reported seeing Muslim Albanians faithfully kneeling in prayer along roadsides with apparent impunity.

In November 1983, the Vatican publicly condemned religious persecution in Albania and claimed that a number of priests, members of holy orders, and seminarians had died in prison. It also reported that two priests had been executed for baptizing children. The official press denies, however, that believers have been persecuted and maintains that religious belief is opposed only by argument.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution does not guarantee freedom of movement. Movement within the country and travel abroad are controlled very strictly, and transgressors against the laws are severely punished. The Criminal Code states that flight from the State or refusal to return to the fatherland by a person sent abroad on service or allowed to leave the State, is considered treason and punishable by imprisonment for not less than 10 years or by death. Amnesty International stated in its 1986 Report that it learned of 2 men serving sentences of 20 years in Burrel prison and Spac labor camp for having attempted to leave Albania illegally. Despite this, Albanians continue to risk their lives to cross heavily guarded borders into Greece and Yugoslavia. Albanians reportedly are allowed to leave the country legally only on official business or, very rarely, for family reasons.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

No such right exists in theory or in practice. The Government is a totalitarian dictatorship, headed by Ramiz Alia in his capacity as First Secretary of the APL and Chairman of the Presidium of the People's Assembly. The Constitution establishes the APL as the sole political entity and Marxism-Leninism as the only political ideology. The APL is governed internally by the principle of "democratic centralism," under which decisionmaking power is concentrated

in the hands of a small elite. Any attempt by individual citizens, or even party members, to criticize policy or change the form of government or its leaders is dealt with severely.

The Constitution provides that the People's Assembly (an unicameral parliament) is the supreme organ of national government in Albania; similar bodies, called people's councils, exist at the local level. Candidates for these assemblies are first designated by a mass organization known as the Democratic Front, which is controlled by the APL, and then "elected" without opposition by universal suffrage. After the last quadrennial elections, held on April 27, 1986, the Government announced that 100 percent of eligible voters had participated, and that the official slate of candidates had been elected with more that 99.99 percent of the votes.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government denies violating human rights and refuses to cooperate with any investigation of allegations to the contrary, including confidential investigations by the United Nations Human Rights Commission.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution grants national minorities "guaranteed protection and development of their culture and popular traditions, the use of their mother tongue, and its teaching in the schools, and equal development in all fields of social life." Greeks compose the largest ethnic minority, but smaller numbers of Serbs, Bulgarians, Vlachs, Gypsies, and Jews also live in Albania. While there are differences of opinion over the extent to which minorities may exercise their cultural, educational, and linguistic rights, they are clearly restricted. Several reports indicate persecution, harassment, and discrimination against minorities solely because of their ethnic origin. There have even been reports of mass removals of segments of the Greek population out of traditionally Greek lands in the south to areas further from the Albanian-Greek border. Furthermore, insofar as the ban on religious practice has removed the Greek Orthodox Church from Greek communities in Albania, an important part of that ethnic group's commmunity life and links to Greece has been eliminated. The leadership of both the APL and the Government are overwhelmingly ethnic Albanian of Moslem background.

The Constitution states that women shall enjoy "equal rights with men in work, pay, holidays, social security, education, in all social-political activity, as well as in the family." Information on the extent to which these rights are exercised is not available, but there are indications that the regime has advanced the status of women. Women are said to participate equally in the obligatory labor and military service programs. There are several women in party and government leadership positions.

CONDITIONS OF LABOR

There is no current data available on the minimum age for the employment of children, minimum wages, maximum hours of work, or occupational safety and health.

AUSTRIA

Austria is a constitutional parliamentary democracy. A coalition government (Socialist Party and People's Party) was formed after the November 1986 national election. The loosely united Green Party and the right-wing Freedom Party are in opposition.

Austria has a developed economy, and Austrians enjoy a high standard of living.

Since World War II, Austria has served as a country of first asylum for nearly 2 million refugees from Eastern Europe. During periods of crisis and upheaval in Eastern Europe, refugee arrivals rise significantly.

During the 1986 presidential election campaign, observers reported several instances in which participants in campaign rallies expressed anti-Semitic sentiments directed against Austria's Jewish commmunity. These anti-Semitic expressions occurred in connection with Kurt Waldheim's candidacy for President and accusations concerning his activities during World War II. The Government of Austria has spoken out strongly against all such manifestations.

In other regards, the 1986 human rights situation in Austria was essentially unchanged from the conditions which prevailed in previous years. To a very high degree, human rights are respected in Austria, and no charges of human rights violations on the part of the Government or other public institutions were made during 1986.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of politically motivated killings either by government authorities or opposition groups.

b. Disappearance

There were no abductions by authorities.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is banned by Article II of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which is incorporated into the Austrian Constitution. There is no evidence of any violation of this provision.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary detention or exile. The law provides for investigative detention for 72 hours, by which time an investigative judge must decide on the legality of the detention. Provided the investigative judge agrees, the accused may be held in detention pending completion of an investigation for up to a maximum of 2 years. Grounds for investigative detention are enumerated in the law, as are conditions for release on bail. A 1983 law reformed the provisions concerning detention by shortening pretrial procedures, restricting the number of detentions, except in

the case of persons who have or are alleged to have committed serious crimes, and providing better legal protection for detainees. There are no allegations that these provisions for investigative detention have been violated.

Detention for minor infractions of administrative law may be imposed by the administrative authorities but is subject to court appeal. The Government is considering legislation requiring increased judicial control of such proceedings. The proposed legislation provides for the implementation of Article 5 of the Human Rights Convention according to which detention may only be imposed by an independent judge. In 1985 a total of 2,388 persons were held for varying periods of time in investigative detention.

There is no forced labor.

e. Denial of Fair Public Trial

The judiciary is independent from the executive and legislative branches of government. Trials are public. Judges are appointed for life and cannot, in principle, be removed from office. Jury trials are prescribed for major offenses, and those convicted have the right of appeal. Written charges must be presented to the accused, who has the right of representation by a lawyer.

Concerned about the possibility of executive interference in the judicial system, critics argue that the public prosecutors' lack of independence from the Ministry of Justice opens the way for possible governmental meddling. To rectify this possible defect, the Government has been considering introducing a law which would require that directives issued by the ministry to the public prosecutors be made public.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law provides for the protection of personal data collected, processed, or transmitted by government agencies, public institutions, and private entities. Constitutional provisions also protect the secrecy of the mail and telephone. The privacy of family life is respected. There is no effort by the Government to monitor or control family life.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These freedoms are guaranteed by the Constitution and respected in practice. Austria has a free, independent, and multifaceted press, ranging from conservative to communist.

Publications may be removed from circulation if they violate legal provisions concerning morality or public security. As a matter of practice, such cases are extremely rare. Opposition viewpoints are given wide attention in Austrian publications. Austria's well-established democratic political system, its active and independent press, and its effective judiciary combine to assure continued freedom of speech and press.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association. The Austrian State Treaty of 1955, though, makes

an exception to this principle in the case of Nazi organizations and activities. The Constitutional Law of 1945 also prohibits Nazi organizations. The law on the formation of associations stipulates that permission to form an association may be denied if it is apparent that the organization will pursue the illegal activities of a prohibited organization.

Public demonstrations require a permit from the police authorities. While foreigners may participate in demonstrations, it must be an Austrian citizen who submits the permit application. In processing such applications, the police may consider only the public safety aspect of the proposed demonstration and not its political purpose. Permits are routinely issued.

Trade unions have an important voice in the country's political life due to their role in "social partnership," an unofficial system by which Austria's economic policies are determined by labor and management representatives. Labor is organized in 15 national unions, each of which is a member of the Austrian Trade Union Federation (ATUF). This organization has a strong, centralized leadership structure. Individual unions and the federation are independent of government or political party control. Unions have the right to organize workers, to negotiate wage agreements, and to strike, although strikes in Austria during the postwar period have been rare. One member of the present Cabinet is president of a national union and, until the Parliament dissolved October 3, 1986, the president of the lower house was also president of ATUF. Nearly 60 percent of the work force is organized in trade unions. ATUF is a member of the International Confederation of Free Trade Unions and also provides the worker delegate for Austria's International Labor Organization delegation.

By law, most employees must be members of the Chambers of Labor. This organization, which is unique to Austria, represents workers' interests vis-a-vis the Government whereas the unions represent the workers vis-a-vis the employers. The leadership of the trade unions as well as of the Chambers of Labor is elected through democratic balloting. There are, in addition, a large number of trade associations and other professional groupings in Austria.

c. Freedom of Religion

This right is guaranteed by the Constitution, although the Treaty of St. Germain, which also is a constitutional provision, restricts this freedom to the practice of religions which are compatible with public safety and morality. In order to qualify as a recognized religious organization under Austrian law, religious groups register with the Government.

Although 85 percent of the population are Roman Catholic, most of the world's major religions are represented. Despite its dominant position in the country, the political influence of the Catholic Church has steadily diminished since 1945 and is no longer considered a major political force.

Although overt and explicit expressions of anti-Semitism are not part of public discourse here, several recent surveys indicate that such sentiments are latent among some Austrians. These came to the surface when accusations concerning the wartime activities of Kurt Waldheim (elected President in June 1986) elicited a disturbing anti-Semitic reaction on the part

of individual Austrian citizens. The Government has condemned this phenomenon in very strong terms and has recommitted the country to combating all its manifestations.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions concerning freedom of movement within the country or the right to change residence or workplace. Austrian residents are free to travel or to emigrate. Citizens who have left the country have the right to return. No area of the country is closed to travel.

Austria serves as a country of first asylum for refugees from Eastern Europe and as a transit point for Soviet Jewish emigrants on their way to Israel or other third countries. Once in Austria, refugees are not forcibly returned to their country of origin. During 1985 Eastern European refugee arrivals totaled 6,050. Arrivals in 1986 numbered 8,179, a 35 percent increase over 1985. Austria budgeted about $22 million in 1986 for refugee reception, care, and maintenance.

The Government has drastically limited the issuance of work permits to non-Austrians in an effort to reduce domestic unemployment. Austria's guest worker population, which averaged 226,400 in 1973, stood at 142,286 in 1985.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Austria is governed through a democratic parliamentary system. Under the Constitution, elections must be held at least every 4 years. Elections are free and regularly draw high levels of participation. The 1986 national elections resulted in a change of government in Austria. No party won an absolute majority. The Socialist Party, which won 80 seats, went into coalition with the People's Party, which won 77 seats. Several small parties also contested the elections, including the Communist Party, which did not receive sufficient support to elect candidates to the Parliament. The right-wing Freedom Party won 18 seats, and the Greens won 8.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No charges of human rights violations were brought by international or nongovernmental organizations during 1985 and 1986. Austria recognizes the competence of the European Human Rights Commission in Strasbourg for implementing the European Convention. Austria concerns itself extensively with international human rights matters. Representatives of oppressed groups frequently visit Austria and meet with government officials and political leaders to explain their views. Because of Austria's geographic position, such meetings frequently focus on the human rights situation in Eastern Europe. Austria hosted a Council of Europe conference on human rights in March 1985.

Amnesty International is the major nongovernmental human rights organization active in Austria. Austrians also provide financial support for the Bruno Kreisky Foundation, which was formed in 1976 to honor distinguished human rights activists.

AUSTRIA

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Austria has an extensive public welfare system, the benefits of which are available to all citizens on a nondiscriminatory basis.

Legal restrictions on women's rights have long been abolished. Women are entering the work force in increasing numbers and have made substantial progress toward economic equality in the postwar era. Nevertheless, significant inequality in practice still exists in political, economic, and social fields despite legislation enacted in 1977 and 1979 to reform family law. In 1985 approximately 41 percent of the work force was composed of women. Men, however, earned 49 percent more than women overall. Among men and women with equal training and education, men earned one-third more than women. Women participate fully in the electoral process and constitute 53 percent of the Austrian electorate. Since 1983 a State Secretary, a woman in the Chancellor's office, has been responsible for women's issues within the Government. The new coalition Government has two women ministers (Education and Family, Sports and Environment).

The human rights of Austrian minorities are respected, but the Slovenian minority in the province of Carinthia is concerned about the future of instruction in the Slovene language in local elementary schools. The Slovenes fear that changes in the province's bilingual education system, which some German-speaking groups advocate, would effectively eliminate Slovene from most provincial elementary schools. Negotiations are currently under way on a proposal which would allow parents to determine whether their children should receive instruction in German or Slovenian.

CONDITIONS OF LABOR

There is no minimum wage in Austria, but anyone whose income falls below the official poverty line of about $3,960 per year is eligible to receive social welfare benefits.

Since 1975 the legal Austrian workweek has been established at 40 hours, although workers in several key branches have attained reductions below this level recently. The minimum working age in Austria is 15. The Labor Codification Law and the Labor Protection Law are among the more important legal instruments for ensuring workers' rights and decent working conditions. A labor inspectorate attached to the Justice Ministry conducts routine inspections of health and safety conditions at the workplace.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: AUSTRIA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF,EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.1	0.0	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.0	0.1
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.1	0.0	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.1	0.0	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.0	0.1
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	0.0	0.0	0.0	105.5
IBRD	0.0	0.0	0.0	104.9
IFC	0.0	0.0	0.0	0.0
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.0	0.0	0.0	0.3
OTHER-UN	0.0	0.0	0.0	0.3
EEC	0.0	0.0	0.0	0.0

BELGIUM

Belgium is a parliamentary democracy under a constitutional monarch. In practice the Council of Ministers (Cabinet) is responsible for governmental decisions. The Council, led by the Prime Minister, holds office as long as it retains the confidence of the Parliament, which includes 13 political parties split along linguistic and ideological lines.

Direct popular elections for parliamentary seats (excluding 76 of the 182 Senate seats apportioned by other means) are held at least every 4 years under a system of universal suffrage, obligatory voting, and proportional representation. The Flemish and Francophone Social Christian Parties have been the major modern-day political force in Belgium, leading or participating in virtually all of the 30-odd coalition governments since World War II.

Domestic security in Belgium is primarily the responsibility of the national paramilitary Gendarmerie, the judicial police, and a host of municipal police forces. The armed forces play no role in domestic law enforcement.

A series of terrorist-type attacks in October 1984, led by a Belgian group, the C.C.C. (Communist Combat Cells), took the Belgians by surprise, leading them to question their security and the forces intended to assure it. In 1986, the Minister of Justice proposed a wide-ranging series of internal police reforms and policy changes to cope with future terrorist problems, including a computer databank on terrorism, government infiltration of terrorist groups, and court-ordered wiretaps under certain conditions.

Belgium also continues to contend with the social, economic, and racial pressures apparently linked to the presence of a large immigrant population.

Belgium has an excellent human rights record, which was not compromised by the problems with which it has had to deal. Respect for human rights in Belgium is guaranteed in the Constitution and laws, and was observed in practice in 1986.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Neither the Belgian authorities nor officially sanctioned groups engage in killings for political motives. No deaths resulted in 1986 from the actions of politically motivated terrorist groups. Attacks by the C.C.C. took the lives of two firemen in May 1985 as a result of a car-bomb explosion, although the C.C.C. claimed the deaths were accidental. The arrest of the group's suspected leaders in early 1986 may have ended this period of terrorism. However, in the last half of 1986 there were three bomb attacks: an unclaimed bombing in Antwerp outside the Flemish Socialist Labor Federation office in August, another unclaimed bombing outside Brussels' Masonic Lodge in September (which caused minor injuries to passersby), and a bombing outside Antwerp's principal synagogue in November. The latter attack was claimed by two groups: one called "Adolf Eche Holstein Mein Kampf" in Brussels and the other called the "Call of Christ" in Lebanon.

b. Disappearance

Abductions, secret arrests, or clandestine detentions by government or other officially condoned elements are proscribed by Belgian law and did not occur.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Penal Code prohibits deliberate mistreatment or injury of another and is applicable to the actions of both officials and private individuals. In September 1986, Belgium's Public Prosecutor indicted several members of Brussels' judicial police for the torture of a Zairean bookstore attendant during his arrest and detention in 1982. Previous cases of this sort have led to disciplinary action against the police, usually accompanied by forced resignations. To expose such abuses more quickly, the Prosecutor called on the Government to pass a law requiring that police who witness misdeeds committed by other police report the behavior to higher authorities.

Although crowded and aging prisons are an issue in Belgium, cruel and inhuman punishment is not practiced. There are no differences in the conditions of confinement based on race, sex, religion, or social class, although prison officials try to accommodate special religious or medical diets.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest and imprisonment is guaranteed by law. Arrested persons must be brought before a judge within 24 hours or released. Belgian law provides for pretrial confinement only under the following special circumstances: when a person is apprehended in the commission of a criminal act; when there is a risk that the suspect will prove a danger to the community; when there is a risk that the accused will flee the jurisdiction; and when the case involves one of a number of serious offenses specified by law. The justification for such confinement is subject to monthly review by a panel of judges.

In practice, there is growing concern among local human rights groups and parliamentarians that pretrial detention is sometimes abused. Bail exists in principle under Belgian law, but is rarely granted in practice. There is no limit on how long an accused may be held prior to coming to trial. The president of the Belgian League for the Defense of Human Rights has expressed his concern that extended pretrial detention occurs more and more frequently in cases involving immigrants.

Exile of Belgian citizens is not permitted by law. Forced labor for political, ideological, discriminatory, or educational ends is unknown in practice.

e. Denial of Fair Public Trial

A fair public trial, including the right to counsel, is guaranteed by law and honored in practice. A suspect is charged, if the evidence warrants, when the preliminary judicial investigatory phase is completed. Charges are clearly and formally stated. No one is imprisoned because of political beliefs.

BELGIUM

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Freedom from arbitrary interference with privacy by the State is guaranteed by law and respected in practice. The Constitution specifically guarantees the inviolability of the home except in cases laid down and regulated by law. The law forbids searches of private homes at night, except in special circumstances. Warrants issued by a judge are required unless the inhabitants of the domicile agree to the search. The Penal Code provides penalties for all violations of the home by officials as well as by private persons.

Monitoring of telephones and interference with mail are also strictly prohibited. The Minister of Justice has said, however, that he plans to seek legislation to allow the use of court-approved wiretaps by law enforcement agencies under certain limited circumstances, e.g., terrorist cases.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These freedoms are guaranteed by law and respected in practice. Varying political, religious, philosophical, and artistic views are permitted free public expression, and there is no political censorship of the media. There are, however, prohibitions on publications and productions held to undermine "public order" (e.g., explicit pornography and incitement to violence). There are laws against libel, provisions for a citizen's right of reply to media criticism, and restrictions on criticism of government policies by civil servants.

Belgium has state-owned radio and television networks, but there is no direct government control of program content. Their programs are supervised by boards of directors which represent the main currents of opinion. The Government has a representative on the boards but no veto power.

Private radio stations operate with government licenses, since a late 1985 decision by the Ministry of Communications which legalized them for the first time. Belgium has yet to pass legislation permitting the existence of television stations not owned by the State. Most urban homes have access to foreign television from neighboring countries via cable.

b. Freedom of Peaceful Assembly and Association

Political, civic, religious, artistic, social, and special interest groups are permitted free public assembly, subject to regulations of public order. Labor unions and groups protesting government policies or actions are free from harassment and persecution, although permits are required for open-air assemblies.

The right to organize, strike, and bargain collectively is recognized and exercised freely in Belgium, although government austerity measures sometimes limit or alter the results of collective bargaining. The degree of union organization is one of the highest in the world, approximately 70 percent of the workforce. Labor unions are strong and independent of the Government, but have important informal links with and influence on many of the major political parties. The unions do not allow their leaders to hold political office.

c. Freedom of Religion

Belgium has a long tradition of religious tolerance. The Christian, Jewish, and Muslim religions are accorded a "recognized" status in law, which includes a government subsidy. Other "nonrecognized" religions enjoy full freedom to practice and are not subject to harassment or persecution.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Belgian citizens enjoy freedom of travel within the country and internationally, including the right of voluntary repatriation.

In May 1985, a law took effect that gives municipalities in the greater Brussels region the right to refuse to register new foreigners--defined as citizens of non-European Community countries--as residents. Such registration is required of all persons residing in Belgium, with some exceptions. To date, seven municipalities have taken advantage of the new law, which in effect serves to limit somewhat the freedom of foreigners to decide where they reside in Belgium.

Belgium continues to have a generous policy on political refugees. Anyone arriving in Belgium can claim political asylum and will be allowed to stay in Belgium long enough to pursue that claim. Belgium continues automatically to grant the right of political asylum to those foreign nationals recommended by the local office of the United Nations High Commissioner for Refugees (UNHCR). However, mounting public concern about the growing number of immigrants has led the Government to introduce legislation that would restrict the availability of asylum and place responsibility for refugee recommendations on a Belgian agency rather than the UNHCR. The local head of the UNHCR has stated that the current arrangement leaves candidates who have been refused refugee status by the UNHCR without an independent outlet for appeal.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Participation in the political system is open to all citizens. Suffrage is universal for all adults (18 and over), secret, and compulsory. Unweighted voting (one person/one vote) has been in effect since 1919 for men and since 1949 for women. There are 13 parties currently represented in the Belgian Parliament. Opposition parties are free, under law and in practice, to operate without constraints or repression.

The existence of Dutch- and French-speaking regions poses significant problems for the State. All major institutions, including political parties, are divided along linguistic lines. There are special provisions for Dutch-, French-, and German-speaking councils at the regional level. Regional and linguistic needs are taken into account in national decisions.

Two French-speaking Belgians, elected in 1981 to represent francophone suburbs of Brussels located within the political boundaries of the Flemish regional council, complained to the European Court of Human Rights that they had been deprived of their right to free elections by a Belgian law which allows only Dutch-speaking Belgians to be elected to the Flemish council. The Court's decision is expected in early 1987.

BELGIUM

In October 1986, the national Government entered a period of instability due to the controversy created by a similar case. The Council of State found that the French-speaking mayor of a French-speaking majority town located within Dutch-speaking Flanders could not be mayor because of his inability to speak Dutch, as required by law for mayors in Flanders.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has been active in the United Nations and other international forums in promoting human rights, and became a member of the U.N. Human Rights Commission in 1986. It has also promoted independent investigation of alleged human rights violations. In 1986, no requests were made for outside investigation of the human rights situation in Belgium. There are several active independent human rights groups in Belgium, and they consider the Government open to discussion of any human rights question.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Belgium is a culturally active, pluralistic society in which individual differences in general are respected and linguistic rights in particular are protected. Some 57 percent of Belgians are native Dutch speakers living primarily in the northern provinces that constitute Flanders. The 42 percent of French speakers tend to live in the capital, Brussels, and the southern provinces called Wallonia. The small minority of German speakers live along the eastern border. These language differences have been the subject of hundreds of laws over the last century, leading to a fairly rigid structure designed to protect each language group from cultural, economic, or political dominance by the others.

Food, shelter, health care, and education are available to all inhabitants regardless of race, sex, religion, language, social status, or ethnic background. Some 25 percent of the residents of Brussels, the nation's largest city, are foreigners, leading to a concentration of immigrants, primarily North Africans. The immigrant population tends to be poorer, less skilled, and less educated than the average, and is increasingly the focus of public debate.

Belgium is active in the area of women's rights. The Consultative Commission for the Condition of Women, attached to the Ministry of Foreign Affairs, advises the Government on international women's issues. Within the country there are several other commissions on women's rights that deal with oversight of women's education and working conditions. There are numerous women members of the Senate and Chamber of Representatives, and there are three women in Cabinet posts.

CONDITIONS OF LABOR

Belgium continued to suffer in 1986 from slow economic growth and high unemployment, currently between 12 and 13 percent. Governmental policies to promote employment and an extensive system of unemployment compensation and other social benefits have served to minimize serious individual financial hardship.

Belgian working hours, mandated by law and collective agreement, are the shortest in Europe, averaging about 37

hours a week. There are generous provisions for minimum wage (currently almost $600 a month for full-time work for those over 21 years of age, with a slightly lower youth minimum wage), vacations, and unemployment benefits. Adequate health and safety legislation exists, supplemented by collective bargaining agreements, and health and safety committees are mandated by law at enterprises with more than 50 employees. The minimum age for employment of children is 16; children can work and study part-time from age 16 to 18.

BULGARIA

Bulgaria is a Marxist-Leninist state ruled by the Bulgarian Communist Party. The Communist leadership holds a monopoly of power and seeks to control and direct all political, economic, social, and cultural activities. A second party, the Bulgarian National Agrarian Union, is represented in the Government and National Assembly but is totally subservient to the Communist Party. No other political parties are tolerated. An omnipresent network of state security police and militia (uniformed national police) deters or suppresses open expressions of opposition to the regime or its policies.

All production facilities, except for small private agricultural plots, are owned by the State. The Government controls the trade union movement and uses it as a vehicle for mobilizing the work force to achieve the regime's goals.

The Constitution specifies a number of civil, political, and social rights, but in practice these rights are circumscribed and cannot be exercised in any way that the Communist Party deems unacceptable. Travel out of Bulgaria is contingent on government approval and is closely controlled, as is the individual's ability to change residence from one city to another in Bulgaria.

Most limitations on and denials of civil and political rights apply to all Bulgarians, but the country's Turkish minority--about one-tenth of the population--is subject to additional restrictions on its cultural identity, including bans on the use of the Turkish language, traditional forms of dress, and some Islamic religious practices. The forced change of Turkish to Bulgarian names carried out in 1984-85 appears to have been completed. Active resistance to government policies appears to have ceased, and reports of regime violence to enforce the name change campaign have stopped.

Overall, the human rights situation changed little in Bulgaria during 1986. Reports of violence associated with enforcement of government controls decreased, but that diminution reflected reduced resistance from the Turkish minority rather than improved government observance of human rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no known reports of politically motivated killings in Bulgaria during 1986. Amnesty International, however, reported in April 1986 evidence that Bulgarian security forces may have killed over 100 Bulgarian citizens of Turkish origin during the 1984-85 name change campaign.

b. Disappearance

There were no reported cases of disappearance at the hands of Bulgarian security forces.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

According to credible reports by human rights advocates and their families, beatings continued to be a feature of imprisonment in Bulgaria. Many persons apprehended while attempting to leave Bulgaria without authorization have reportedly suffered severe abuse at the hands of border guards. Political prisoners, including intellectuals, are held together with common criminals and subjected to brutal treatment by these elements as well as by their guards. These practices are confirmed by veteran inmates from various prisons, including Sofia's Central Prison and forced labor camps at Devnia, Belene Island, and Debelt. According to a dissident former graduate student confined at Debelt, the guards there delegate the task of beating political offenders to criminal inmates.

Prison conditions reportedly vary. According to one prisoner, cells at Sofia's Central Prison went unheated during the early months of 1985, but despite the winter temperatures inmates were not issued any additional clothing. On the other hand, a penal veteran referred to Stara Zagora Prison as a relative "paradise" where a correct regime is followed despite Spartan conditions. At the Razvigor Street jail in Sofia, prisoners are held two to a cell during pretrial investigations. The cells measure one and a half by two paces and are furnished only with a plank bed or pallet. Each cell is illuminated around the clock by a single naked bulb. The diet is poor. There are no exercise or recreation areas, although detainees may remain at Razvigor for several months. While Razvigor inmates endure lengthy interrogation sessions, there are no known complaints of beating in this jail.

Sources claim that conditions are also harsh at camps, including the notorious Belene Island facility, for Bulgarians detained in the campaign against ethnic Turkish Bulgarians.

Bulgaria ratified in October, with significant reservations, the Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment, signed in June 1986.

d. Arbitrary Arrest, Detention, or Exile

Bulgarian citizens may be detained, tried, and punished for many actions which elsewhere are considered political, but not criminal, in nature. Police interrogation, detention, or even arrest may result from unauthorized demonstrations, public expressions critical of the Government, or the mere act of entering a Western embassy, although such activities are not, strictly speaking, illegal under Bulgarian law.

Although the principle of a judicial determination of the legality of a person's detention exists in Bulgarian law, it does not provide effective relief against state action. The Bulgarian judiciary is not independent of executive power, nor is it able to provide any effective check on executive actions. Thus, although preliminary detention is limited theoretically to 10 days, and then only when the evidence appears sufficient to justify an indictment, several cases are known of persons subjected to longer detention without charges being filed. Following arraignment, Bulgarian law permits detention up to 6 months before indictment. Under the

Criminal Code, the accused must be informed of the charges against him, but sometimes this requirement is not observed.

Persons may also be subject to a system of administrative control short of imprisonment, by which they are detained at their place of residence and must appear frequently at the local police station. Another form of punishment and control is forced change of domicile or internal exile. A person's right to remain in his place of residence may be revoked, and he may be required to move far from family and familiar surroundings. Such banished people are often sent to remote villages to perform agricultural labor. Their identity cards are stamped to note restriction to a particular locality. Should exiles or persons under such administrative controls leave despite these prohibitions, they face possible imprisonment.

There were credible reports in 1986 that Bulgarians of Turkish ancestry, who had been incarcerated on Belene Island or in other Bulgarian prisons for their resistance to the 1984-85 name change campaign or for other "troublemaking," were being resettled after release from prison to areas of Bulgaria with small numbers of ethnic Turks. Although some ethnic Turks appear to be working involuntarily outside their home regions, there is insufficient evidence to establish the existence of a broad assimilationist resettlement policy.

It is not possible to estimate reliably the number of arbitrary arrests, other forms of detention, or summary exile in 1986. The exact number of detainees from the Turkish name change campaign of 1984-85 who may still be incarcerated or in internal exile is unknown. However, credible reports, including those documented by Amnesty International and Helsinki Watch, indicate that many ethnic Turks arrested during that campaign may have remained imprisoned in 1986.

Political offenders are required to do hard labor.

e. Denial of Fair Public Trial

Bulgarian law and general practice provide for public trial in criminal cases. Defendants are entitled to legal counsel but only after preliminary investigations and indictment, a process that can last many weeks. When defense attorneys are provided, they often cooperate with the prosecution.

Special court procedures apply in cases involving state security. Trials in such cases, and in others with political implications, are not public. The numbers of such trials, or of political prisoners and detainees, are not known, but a reasonable estimate would be a figure of several thousand political prisoners or detainees, taking into account those captured while trying to escape across the country's borders and ethnic Turks detained during and since the name change campaign.

The Bulgarian judicial system generally seeks to maintain a semblance of observing legal norms, but the courts sometimes apply statutes retroactively or extend them to cases of dubious applicability. The penal laws are codified, published, and readily available for reference, but numerous procedural and administrative regulations are not. Such regulations are frequently invoked in judicial proceedings, and the defendant has little opportunity to question the validity or applicability of the regulation in question.

Despite such irregularities, Bulgarian dissidents have stated that they welcome even trials closed to the public as forums for defending themselves and voicing criticism of the Government. Some defense lawyers enjoy reputations for courage and honesty, despite pressures from the security apparatus.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government and Communist Party interfere in the private lives of citizens in many ways. The party and the security apparatus direct an elaborate system of informers, which is present in virtually all workplaces, residential areas, and social organizations, to monitor the daily lives of Bulgarians for signs of dissidence or other unacceptable behavior. Citizens assume that security personnel may monitor their telephone conversations and read their mail.

Sanctity of the home is nominally safeguarded by law, and police may not legally search property without prior permission from a court or prosecutor. However, searches may be undertaken in urgent situations before judicial permission is given. The authorities are required to issue an itemized receipt for property confiscated during a search. In one case, a defendant facing trial refused to sign this document, charging that it contained falsehoods. In court, the defendant reported that his signature was forged on the document, but a judge admitted it as evidence over the defense lawyer's protest.

The Government regiments the private lives of citizens. Virtually all citizens are members of "mass" organizations. Children and young adults belong to the Pioneers and Komsomol, respectively, while their elders belong to the Fatherland Front and, in the case of the elite, the Bulgarian Communist Party. There are strong pressures on all citizens to become nominal members of and pay dues to the mass organizations. Those who refuse--an extremely small percentage of the population--are likely to come under official scrutiny and to be denied advancement at work and other benefits.

Government policies toward the Turkish minority, which it describes as "Bulgarians who were forcibly Islamized under Ottoman rule," demonstrate forceful interference into areas traditionally regarded as private. Despite official denials, numerous reports, including private statements by people living in predominantly ethnic Turkish areas, indicate that the public use of the Turkish language is banned. The wearing of traditional Turkish clothing is also forbidden. The ethnic Turkish and Muslim population continues to be required to use Bulgarian--usually Christian--names forced on it in the 1984-85 name change campaign. Education in the Turkish language has long been banned.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for certain basic rights, including freedom of speech and press. In practice, however, these freedoms may not be exercised in any way that might weaken the Bulgarian Communist Party's monopoly of power. The regime totally controls Bulgaria's press, radio, and television, and rarely permits dissemination of alternative views. Laws

provide severe punishment for anyone convicted of criticizing the State or spreading "untruthful remarks which might increase distrust of state power or cause confusion in society." Unauthorized disclosure of information, such as unpublished economic statistics, is illegal and subject to serious penalties.

Although censorship officially does not exist, the media as well as writers, artists, and those in academic life operate within well-understood party and government guidelines and practices. International news coverage is usually limited to that provided by the government news agency or official Soviet sources, although carefully selected articles from the Western press are sometimes published in translation. Forbidden topics in the Bulgarian press include unauthorized criticism of party and state leaders, of Communist ideology, and of other Communist countries, particularly the U.S.S.R.

In addition to pervasive party control of the media, virtually the entire population practices self-censorship. Annual congresses of the official Writers Union adopt acceptable themes for authors, and those not following directives are unlikely to see their works published. Academic journals cannot challenge regime policies.

Ordinary citizens send criticism, suggestions, and complaints by letter to newspapers and to National Assembly deputies on a broad range of topics, such as inadequate services by public agencies and housing shortages. None of the letters published, however, exceeds criticism of specific shortcomings or failures of lower level administrative officials. Occasionally, an issue of social policy may be opened to public discussion within prescribed bounds.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of association and demonstration. In practice, however, the State decides which social and political organizations may exist. Private associations are unknown, and the law provides punishment for anyone "founding an illegal, anti-State organization." Freedom of assembly is a right granted only to legally constituted organizations, and only for approved purposes. Attendance at public demonstrations is a duty assigned by schools and enterprises to their members.

Lawyers, doctors, artists, musicians, writers, and academics are also members of professional associations which have the party-assigned function of controlling their memberships. Their contacts with foreign, especially Western counterparts, are restricted; and foreign travel to attend conferences and take part in international exchanges is subject to control by party organizations.

The Bulgarian Communist Party organizes and totally controls all Bulgarian labor unions. The unions' role is to instill in their members devotion to the party, promote patriotism and loyalty to the Soviet Union, and prepare working people for Communist society. A new labor code, adopted in 1986 and due to go into force in 1987, appears designed in large part to increase labor productivity and facilitate implementation of what the party calls the "scientific-technical revolution." Union members are not permitted to strike or negotiate for better pay or working conditions, nor may workers organize outside the existing unions.

BULGARIA

Trade unions have not defended workers dismissed from jobs for "political" transgressions. Such workers are sometimes blacklisted by security authorities, effectively barring them from further employment. Trade unions are assigned a role promoting job safety and the general social welfare of their members. Bulgaria is a member of the International Labor Organization, and the unions maintain ties with Communist-controlled unions and labor confederations abroad.

c. Freedom of Religion

Although the Constitution provides for freedom of worship, the authorities espouse atheism and discourage religion. Openly expressed religious conviction is incompatible with party membership or attainment of responsible government or industrial positions. Policy directives adopted at the Thirteenth Bulgarian Communist Party Congress in April 1986 called for increased "ideological work against religious anachronisms" and promoting broader acceptance of "the Socialist festive and ritual system." Nonetheless, a number of faiths are recognized, including various Christian denominations, Islam, and Judaism. The Ba'hai faith and the Dunovist sect, an indigenous movement which flourished in pre-Communist Bulgaria, however, are outlawed. Most forms of religious instruction are forbidden in practice. Church-state relations are regulated by the Committee for Questions of the Bulgarian Orthodox Church and Religious Cults, which is organized under the Ministry of Foreign Affairs. It reviews all clerical appointments and in the past has occasionally imposed clergy on local congregations despite the opposition of the parishioners.

The Bulgarian Orthodox Church, which was the established church before the Communists took power, is the largest and, in the Government's view, most acceptable church, given its historic role and continuing appeal to ordinary Bulgarians. The church receives substantial government financial support and echoes government propaganda on such themes as peace and disarmament. It is allowed to print a newspaper, distill and market some alcoholic beverages, and sell some religious articles, such as candles and small jewelry crosses.

A Bulgarian language Bible, only 2,000 copies of which were published in 1982 and distributed domestically, is now out of print, and no Bibles may be imported. A Ministry of Interior newspaper reported in a September 1986 article on "ideological subversion" that customs officials had intercepted on various occasions a total of "50 Bibles in Bulgarian intended to be distributed here," "2,186 copies of brochures and books with religious contents," and other religious materials.

Although authorities generally do not interfere with older worshipers attending services, they try to dissuade young people from entering churches and periodically circulate among them demanding to see their identity cards. Attendance at Easter services at Sofia's Aleksandur Nevsky Cathedral is restricted to those granted special "invitations," and police barricades keep all others at least a block from the cathedral.

Ethnic Turks comprise the majority of Bulgaria's Muslims, the remainder being Gypsies and Slavic Pomaks. Increased measure- to discourage Islamic practices have figured prominently in the Government's campaign to eradicate the cultural identity of the Turkish community in Bulgaria. Muslim believers have been inhibited in the practice of their religion by the

closure of many mosques and by prohibitions against religious education of children. Although Sofia's mosque is being slowly renovated, many other mosques throughout the country have fallen into disrepair or have been converted to other uses. Certain architecturally notable mosques, as in Razgrad and Shumen, have been preserved as "cultural monuments" but are closed to actual worship.

Copies of the Koran may not be imported and are not generally available to Muslims in Bulgaria. Bulgarian citizens were not permitted to make pilgrimages to Mecca in 1986. Parents who have Muslim rites of circumcision performed on their children are heavily fined, and the observance of Muslim holidays is discouraged. Many Muslim graveyards have been obliterated, and Muslim burial practices are not permitted.

The Jewish minority numbers about 5,000 people. Historically, Jews in Bulgaria have not suffered anti-Semitic persecutions as in many other parts of Europe. They have traveled to Israel and received visitors from that country, although such travel is carefully controlled by the Government. Sofia's Sephardic Synagogue has received some government funds for refurbishment as an architectural monument, but progress has been extremely slow, and religious services continue to be held in a small, overcrowded anteroom. The Synagogue's prayer books are old, and no replacements are available. No kosher meat is available, but Jews are permitted to bake and distribute Passover matzoh without hindrance. Sofia's Jewish cultural center emphasizes the community's ethnic, not religious, identity. It publishes a secular newspaper stressing pro-Communist, anti-Zionist themes.

Roman Catholics are few in number and divided between followers of the Latin and Uniate rites. A number of small Protestant churches (e.g., Evangelical, Baptist, Methodist, Seventh-Day Adventist) also function. In church sermons, preachers adhere closely to themes of personal piety and commonly avoid social and political themes. No religious groups may engage in open proselytizing, and foreign missionary activity is banned. Formal religious education of children is prohibited, although some young people attend church services with their parents.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government controls where Bulgarians live, work, and travel. Citizens are required at all times to carry with them personal identity cards stating their legal place of residence and work. Without this card, they cannot register at a hotel, purchase domestic airline tickets, or seek any kind of social service such as medical assistance. Changing one's place of residence or work is a complicated process unless it is at the Government's initiative or convenience. Moves to Sofia and other major cities from smaller settlements are especially difficult because of the authorities' desire to control urban growth. Travel within the country by Bulgarians is generally unrestricted except in border zones. One special case, however, is the Kurdzhali district, which has a large ethnic Turkish population. Checkpoints at the district border permit only Bulgarian citizens bearing special authorizations to enter. Foreign travelers often are denied entry to this and other nominally open areas.

Foreign travel by Bulgarian citizens is restricted, although less so to Eastern European Communist countries. Bulgarian citizens must have a passport for foreign travel and an exit visa specifying the destination for each trip. If they go to a country not mentioned in the exit permit, they can face serious complications upon return home. Applications for exit documents are often refused, because the travel is deemed "not in the interest of the State" or "not suitable in view of the present international situation." Frequently no explanation at all is given for passport or visa refusals. Although more Bulgarians have been able during 1986 to visit family members in the West, frequently a spouse or minor children must remain in Bulgaria during the visit as an inducement for the traveler to return to Bulgaria.

Emigration is possible under Bulgarian law, but it is rarely permitted. The Government moved in 1986 to resolve a number of divided family cases in accordance with the Helsinki Final Act. Nevertheless, the authorities have recently denied passports to other applicants seeking either to visit relatives or emigrate. The Government imposes an education fee on recent college graduates who seek to emigrate without first fulfilling a mandatory period of public service; for medical doctors, this period is 5 years.

The Government encourages repatriation of ethnic Bulgarians residing abroad, although the right of repatriation is not guaranteed. A number of Bulgarian-born foreign residents and citizens voluntarily return to Bulgaria each year to live in retirement. In September 1986, a retired couple with American citizenship, who had lived in Bulgaria for 3 years, were required to leave the country within 3 days when they declined to surrender their American passports to local authorities.

It is Bulgarian policy to return to their home countries potential refugees from other Warsaw Pact states who have tried to cross the Bulgarian border into Greece, Turkey, or Yugoslavia.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Bulgaria is governed by a small elite controlling the leadership of the Bulgarian Communist Party. Rank-and-file members have little opportunity to change the party's policies, and nonparty members are effectively denied any role in influencing the policies of the Government. Political pluralism and free participation in the political process do not exist.

Bulgaria does not have free elections. The regime tries to maintain the appearance of pluralism through the participation of a second political party, the Bulgarian National Agrarian Union, in the Government and the National Assembly. However, the Agrarian party does not contest the Communist Party for seats in the National Assembly, nor has it ever failed to endorse regime policy. The Communist and Agrarian Parties, together with labor, youth, and other groups, comprise a mass organization known as the Fatherland Front, which is wholly controlled by the Communist Party. At election time, the Fatherland Front alone presents a unified slate of candidates, effectively giving voters only one candidate for each office. Generally, the Agrarians are allotted about one-quarter of the National Assembly seats, but all votes are unanimous. The

National Assembly, which meets normally only in a few brief sessions per year, has no independent role in governing.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No independent domestic organizations to promote human rights exist in Bulgaria. In 1986 the National Assembly created a new legislative commission with the nominal function of defending social interests and citizens' rights. At its organizational meeting in October 1986, the new commission's chairman stated that its guiding principle would be the complete unity of the interests of society, the work collective, and the worker.

The Government regards any criticism of its human rights record as inadmissible and part of an "anti-Bulgarian campaign." It denounced the April 1986 Amnesty International report on Bulgaria's Turkish minority in those terms, and government media derided the entire report's credibility, claiming that it contained inaccurate information on a few of the individuals named in the report. The Government also resisted a visit by a commission appointed by the Organization of Islamic Countries to investigate the situation of the ethnic Turkish Muslim minority. It has now reportedly agreed to a delegation visit, but final agreement over scheduling and conditions has not yet been reached.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Discrimination against the cultural identity of the ethnic Turkish population has been reported above.

Women are legally guaranteed equal rights with men and do not appear to suffer overt discrimination as regards educational and professional opportunities. Women continue to be underrepresented in policymaking jobs within the party and Government, however, and overrepresented in many manual and lower-paying occupations.

CONDITIONS OF LABOR

A new labor code adopted in 1986 codified and systematized much existing legislation. It stipulated 16 as the minimum age for all but certain light work. Persons from 16 to 18 years of age may not be assigned work designated as heavy, harmful, or dangerous; their workweek is either five 7-hour days or six 6-hour days. The workweek for adults is 42.5 hours (5 days of 8 1/2 hours) in most professions and occupations. The minimum wage is the local currency equivalent of about $120 per month at the official exchange rate, and the average wage is the local currency equivalent of about $210 per month. Especially in families with two working spouses, this provides, at best, a modest standard of living. Paid vacations range from 14 workdays annually for those who have worked less than 10 years to 18 workdays annually for those who have worked more than 15 years. Additional paid vacation is granted those in certain difficult or dangerous occupations. Bulgarian practice appears generally to conform to these guidelines, although participation in unpaid supplementary "brigades" can lengthen working hours on various occasions during the year. A national labor safety program exists, but standards of enforcement vary greatly.

CANADA

Canada is a constitutional monarchy with a federal parliamentary form of government. Representatives in the multiparty political system are elected by universal suffrage at local, Provincial, and Federal levels. Government responsibilities are defined by a national Constitution subject to interpretation by an independent judiciary. Federal and Provincial election mandates last a maximum of 5 years. Elections are completely free and often result in a changeover of power to opposition parties.

Canada has an open economic system that encourages private ownership, investment, and entrepreneurship.

National and local law enforcement are carried out by Federal, Provincial, and municipal police forces. Canada's armed forces are under the authority of the elected civilian government and have no role in domestic law enforcement except in extreme circumstances under the War Measures Act (last invoked in 1970 during the terrorist kidnapings in Quebec).

The Charter of Rights and Freedoms, added to Canada's revised Constitution in 1982, guarantees fundamental individual rights and freedoms to everyone in Canada. Government and private organizations work actively to ensure that these rights are respected in practice at all levels of society. Canada is a leader in actively promoting respect for human rights around the world.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no politically motivated killings in 1986. However, police arrested a number of Canadian Sikhs for alleged involvement in terrorist activities, and authorities believe that Armenian terrorists also remain active in Canada.

b. Disappearance

Secret arrest, clandestine detention, and politically motivated disappearances did not occur.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

These abuses are prohibited by law, and none was reported during 1986. Prison conditions are generally good.

d. Arbitrary Arrest, Detention, or Exile

Canadian law prohibits arbitrary arrest and imprisonment, and this prohibition is respected in practice.

The Federal Government may enforce the War Measures Act and the Official Secrets Act in exceptional circumstances to override certain constitutional guarantees. In the event of war or peacetime crisis, the War Measures Act of 1914, augmented by a 1981 Federal Cabinet order, permits the Federal Parliament to declare a state of national emergency with suspension of certain basic civil liberties. The 1939

Official Secrets Act prohibits the private possession, distribution, and publication of information deemed prejudicial to the interests of the state and provides that individuals under suspicion may be arrested without a warrant.

Canada prohibits the use of any form of forced labor.

e. Denial of Fair Public Trial

In criminal trials Canadian law provides for a presumption of innocence of the defendant until proven guilty, as well as the right to a public trial and full rights to counsel. Free counsel is provided to indigents. The Official Secrets Act allows for trials under its provisions to be held in secret with certain presumptions in favor of the state. Prosecutions under this statute are extremely rare, and convictions hard to maintain on appeal.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Federal and Provincial Governments do not interfere with the basic rights of individuals except when there is a reasonable basis for presuming that an individual is involved in criminal activity. Police officials face judicial penalties if they abuse a person's privacy without first obtaining a search warrant.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press are guaranteed by the Constitution and respected in practice. Laws prohibiting certain forms of hate literature and pornography, provincial film censorship boards, and legislation which specifically protects language and cultural rights are the sole exceptions to these freedoms. Two persons were convicted in 1985 under provincial statutes prohibiting promotion of race hatred. Both cases generated widespread publicity, and the convictions remain under appeal to higher courts.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is guaranteed.

Workers in both the public and private sectors have the right to organize, associate freely, bargain collectively, and strike. In practice, certain groups of essential public sector employees have limited collective bargaining rights and are not allowed to strike. All labor unions have full access to mediation, arbitration, and the judicial system. In 1985 and 1986 the International Labor Organization censured four provinces for restricting the bargaining rights of public sector workers. The offending legislation has been removed in the province of Ontario, but no action to change legislation has yet been taken by the Governments of Alberta, British Columbia, or Newfoundland.

c. Freedom of Religion

There is complete freedom of religion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on movement within or outside Canada, including the right of emigration and repatriation. Canada is a haven for many refugees and displaced persons.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Canada is governed by Federal and Provincial Governments that are genuinely elected by the Canadian people through universal suffrage. Legislative elections must be held at least every 5 years and voter participation rates are high. The Governor General is Queen Elizabeth II's representative as Head of State. Power is exercised in practice by the Prime Minister and the Cabinet, who usually are elected members of the 282-seat House of Commons. Three politically diverse parties are represented in the Commons, and several others function at the Provincial level. All Provinces and Territories have similar freely elected legislatures.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights

Canada actively promotes human rights in international forums, and the Federal Government encourages nongovernmental organizations to pursue investigations of human rights abuses throughout the world. The Canadian Human Rights Commission and its Provincial counterparts investigate and resolve complaints of discrimination in public and private sector activities under governmental jurisdiction.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Article 15 of the Charter of Rights and Freedoms guarantees equal benefits and protection of the law regardless of race, national or ethnic origin, color, religion, sex, age, or mental or physical disability. Those rights are respected in practice.

Food, shelter, health care, and education are available to all inhabitants regardless of race, religion, sex, ethnic background, or political opinion.

Women participate freely in Canadian society. Women's rights are overseen by a Federal Cabinet minister responsible for the status of women and by the Federal and Provincial human rights commissions.

CONDITIONS OF LABOR

Labor standards vary from province to province, but all guarantee a sufficient minimum wage and limit the standard workweek to 40 or 48 hours. Federal and Provincial legislation ensure that working conditions are not hazardous for employees. Child labor legislation also differs among the provinces. The Federal Government generally prohibits those under 17 years of age from working for the Federal Government while school is in session. Provinces generally prohibit those under age 15 or 16 from working without parental consent, working in any hazardous employment, or working at night.

CYPRUS

Cyprus has been divided since the Turkish military intervention of 1974, an event which followed a coup d'etat directed from Greece. Since that time, the southern part of the country has been under the control of the Government of the Republic of Cyprus, and the northern part under an autonomous Turkish Cypriot administration supported by the presence of Turkish troops. In 1983, this administration proclaimed itself the "Turkish Republic of Northern Cyprus," which has been recognized only by Turkey. It held a constitutional referendum and presidential and legislative elections in 1985.

The political systems of the Republic of Cyprus and the Turkish Cypriot administration are democratic and based on free elections, and they guarantee basic human rights to their populations in theory and practice.

Both Cypriot economies are founded on the free enterprise system, with stress on private initiative and the right to own property. The relatively prospering economy in the south is based on manufacturing, trade, tourism and services, construction, and agriculture. The economy in the Turkish Cypriot area, which is closely linked to that of Turkey, is heavily based on agriculture and has problems with high inflation, low investment, and significant underemployment. In the past, the Turkish Cypriot economy has provided a far greater role for state enterprises, although efforts are now under way to orient the economy more towards the private sector.

The conflict between the Greek and Turkish Cypriot communities during the 1963-74 period, the Turkish intervention in 1974, and the ensuing presence of Turkish troops in the north have led to continuing charges of human rights violations. These events resulted in the uprooting of Greek Cypriots and Turkish Cypriots from the northern and southern parts of the island respectively and the loss of lives, homes, and livelihoods. Greek Cypriots point to these displacements, the continuing Turkish troop presence, Greek Cypriots missing as a result of the 1974 events, and Turkish Cypriot unwillingness to allow Greek Cypriot resettlement and travel in the north as the fundamental human rights questions in Cyprus today. In contrast, Turkish Cypriots assert the 1974 intervention was legal and necessary to save their community from destruction. They also raise as issues the experience of the Turkish Cypriot population living in enclaves from 1963 to 1974 and the disappearance of Turkish Cypriots during the same period. The subsequent regrouping of the two communities in separate parts of the island, according to Turkish Cypriots, was necessary for their security.

In August 1984, the United Nations Secretary General launched an initiative to achieve a just and lasting resolution of the Cyprus problem. His efforts continued throughout 1986.

Neither Turkish nor Greek mainland forces deployed on Cyprus play an internal security role.

CYPRUS

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no political killings.

b. Disappearance

There were no reports of persons abducted, secretly arrested, or held in clandestine detention. However, the issue of persons missing during the 1963-74 period remains a source of dispute between the Greek Cypriot and Turkish Cypriot communities. The tripartite Committee on Missing Persons established under the auspices of the U.N. Secretary General in 1981 continued its investigations in 1986.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Both the Cyprus Constitution and the basic document governing the Turkish Cypriot community specifically prohibit torture. Freedom from cruel, inhuman, or degrading treatment or punishment is guaranteed by law and respected in practice in both communities. Adequate health care is provided in prison and detention facilities, and diet is considered normal. Family members may visit those in detention. After sentencing, prisoners may be visited once a month, or more frequently where humanitarian needs exist. Attorneys may visit prisoners freely.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest and detention is guaranteed by law and respected in practice by the Government of Cyprus and Turkish Cypriot authorities. Preventive detention is not legally authorized, nor has it been reported in practice. No one may be held for more than 3 days for investigation of a crime without referral of the case to the courts for extension of the period of detention. Most periods of investigative detention do not exceed 8 or 10 days before formal charges are filed. No instance of exile was reported.

No complaints of forced or compulsory labor were reported.

e. Denial of Fair Public Trial

In both parts of Cyprus, fair public trial is guaranteed by law. The judiciary is independent of executive or military control. Defendants have the right to be represented by counsel (at government expense for those who cannot afford one), to confront witnesses, and to present evidence in their own defense. Cases are generally tried before a judge or panel of judges, although a request for a jury trial is usually granted. There are no special courts to deal with security or political offenses. Civilians are not tried by military courts. There are no political prisoners in Cyprus.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Both the Cyprus Constitution and the basic document governing the Turkish Cypriot community provide guarantees protecting

the individual against arbitrary interference. A judicial warrant is required, for example, for a police official to enter a private residence. Abuses of privacy run counter to the democratic traditions of both communities. However, Turkish Cypriots complain that mail coming through the Republic of Cyprus postal system is often delayed, opened, or not delivered.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These rights are guaranteed by law and are widely and freely practiced throughout the island. The press is free and represents the entire political spectrum. Opposition papers frequently criticize the authorities. There is no press censorship. The authorities control radio and television. Legislation was passed in the Republic of Cyprus in 1986 giving each party represented in Parliament a seat on the board controlling the Cyprus Broadcasting Corporation. In addition, the proliferation of party and independent newspapers in both communities enables ideas and arguments to circulate freely.

b. Freedom of Peaceful Assembly and Association

The freedom to associate, organize, and hold meetings is guaranteed in law and respected in practice. Trade unions and confederations, both non-Communist and Communist, are free to organize on both sides of the line which divides the two communities. Over 80 percent of Greek Cypriot workers and 50 percent of Turkish Cypriot workers belong to independent trade unions. Most unions are affiliated with either the International Confederation of Free Trade Unions or the World Federation of Trade Unions. Labor authorities are required by law to mediate disputes in cases which cannot be solved through normal collective bargaining. All Cypriot workers are permitted to strike, although both the Government of Cyprus and the Turkish Cypriot authorities have the power to curtail strikes in what are deemed to be essential services. Each has used it once in 1986, in relation to striking port authority workers in the south and petroleum sector workers in the north.

Unions in both parts of Cyprus freely take part in international meetings. The Government of Cyprus has taken a particularly active role in the International Labor Organization. Labor unions, more than most other organizations on Cyprus, attempt to maintain contact and cooperation across the dividing line.

c. Freedom of Religion

Freedom of religion is respected in Cyprus. In the south, the vast majority of the population is Greek Orthodox; in the north, Sunni Muslim. The Greek Orthodox Church in the south has the character of a state institution. Missionaries are allowed to proselytize in both communities.

Since the law does not accord conscientious objector status to any individual or group, there have been arrests, military trials, and imprisonments of Greek Cypriot Jehovah's Witnesses for their refusal of military service. Those who were convicted and imprisoned by the military courts, including some Jehovah's Witnesses, were subsequently released on constitutional grounds.

Although members of the Latin, Maronite, and Armenian minorities cannot serve in the Greek Cypriot National Guard, this exemption is based on ethnic rather than religious considerations and is generally welcomed by the minorities themselves.

Approximately 100 Turkish Cypriots still live in the south of the island, and they are allowed to practice their religion freely. In the north, non-Muslims include over 700 Greek Cypriots, over 300 Christian Maronites, and foreign residents --all of whom are free to practice their religion. Nevertheless, there have been complaints that the welfare of minorities in the north is impaired by Turkish Cypriot restrictions on housing, water, education, and movement. The United Nations Force in Cyprus monitors the welfare of the Greek Cypriots and Maronites in the north as well as that of the Turkish Cypriots in the south.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Turkish Cypriots and Greek Cypriots enjoy general freedom of movement within their respective areas. Turkish Cypriot authorities regulate travel into or out of the Turkish Cypriot area. They bar Greeks and Greek Cypriots from entering the north and Turkish Cypriots from visiting the south, except when traveling for humanitarian, medical, or other special reasons. The applications of Greek Cypriot residents of enclaves to visit the south are usually granted, but the applicants must return within a designated period or risk losing their right to return and their property. Foreigners coming from the south must obtain permission to enter the north. At the same time, the Government of Cyprus bars the entry into the Greek Cypriot area of foreigners who arrive at Turkish Cypriot ports. Those who enter through the south but wish to stay overnight in the north are discouraged from doing so by the Government.

The right to travel abroad and to emigrate is observed, although individuals facing military service or legal action in either part of Cyprus may not be allowed to travel. Turkish Cypriots have difficulty in traveling to some countries because their travel documents, issued by the Turkish Cypriot authorities, are not recognized. Citizens may repatriate freely.

Refugees who come to Cyprus from Eastern Europe are normally sent to third countries as soon as arrangements for their resettlement can be made.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Both the Government of Cyprus and the administration of the Turkish Cypriot community are democratically elected. In their lively multiparty political systems, parties compete actively and without restriction for popular support. Greek Cypriots and Maronites living in the north--the latter having chosen before 1960 to be regarded as members of the Greek Cypriot community--do not participate in Turkish Cypriot elections but elect their own village officials. They are eligible to vote in Greek Cypriot elections but must make their way to the south in order to exercise their right.

Women are by custom less active in politics than men in both north and south. No woman in the north and only one in the south is a member of Parliament, nor are there currently any women of ministerial rank in the north. In recent local elections in the south, however, 31 out of 228 city council seats went to women. A woman serves as Attorney General in the Government of Cyprus, and the Government named a woman to the bench for the first time in 1986. Two women currently serve as under secretaries in the Turkish Cypriot administration. There has been a woman judge serving in the Turkish Cypriot administration since 1981.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The question of human rights in Cyprus is closely connected to the political differences that divide the two communities. In 1986, a group of Greek Cypriots announced the formation of a "Committee for the Restoration of Human Rights Throughout Cyprus." This committee ascribes the problem of human rights on the island to the 1974 Turkish military intervention and the continued presence of Turkish troops in the north. The Turkish Cypriot Human Rights Committee in turn denounced the Greek Cypriot charges, stating that the Turkish troops were present to protect Turkish Cypriot human rights.

Cyprus participates actively in the work of the U.N. Commission on Human Rights. For several years, the question of human rights in Cyprus relating to the events of 1974 has been on the Commission's agenda but has been regularly postponed by agreement of the parties directly concerned. The Republic of Cyprus also has applied to have this human rights question placed on the agenda of the European Commission on Human Rights. In addition, the Government of Cyprus has repeatedly raised the question of missing persons unaccounted for since 1974. Representatives of international human rights organizations have open access to both the south and the north.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Food, shelter, education, and health care are available to members of both communities regardless of race, religion, ethnic background, or political opinion. Both societies are essentially middle class, with a small but prominent wealthy segment. Housing is adequate and is available for displaced persons. Most Cypriots, both Greek and Turkish, are covered by national health service systems.

Throughout Cyprus, women generally have the same legal status as men. In the north, legal provisions exist requiring equal pay for men and women performing the same job. In the south, government workers receive equal pay for equal work, but no such regulations apply to the private sector. Local custom has also inhibited the full participation of women in public life. Politics, for example, has traditionally been a male preserve in Cyprus. Through changing attitudes, however, women are experiencing increasing mobility.

CONDITIONS OF LABOR

The Cyprus Constitution provides that "every person has the right to a decent existence." The basic document governing the

CYPRUS

Turkish Cypriot community contains similar language. There is extensive legislation guaranteeing acceptable conditions for workers with respect to minimum wages, hours of work, and occupational safety and health. The minimum age for the employment of children in an "industrial undertaking" is set at the age of 14. These laws are enforced throughout Cyprus.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: CYPRUS

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	15.0	15.0	14.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	15.0	15.0	14.4
A.AID	15.0	15.0	14.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	15.0	15.0	14.4
(SEC.SUPP.ASSIST.)...	15.0	15.0	14.4
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	15.0	15.0	14.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	15.0	15.0	14.4
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	44.1	7.6	46.5	342.8
IBRD	43.8	7.0	20.0	269.7
IFC	0.0	0.0	0.0	6.1
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.3	0.6	0.0	19.7
OTHER-UN	0.0	0.0	0.0	0.8
EEC	0.0	0.0	26.5	46.5

CZECHOSLOVAKIA

The Czechoslovak Socialist Republic is a centralized Communist state in which the party leadership decides all important political, economic, and social questions and limits the scope of individual human rights. Although the Constitution guarantees freedoms of speech, press, assembly, and religion, these rights do not generally exist in practice. Independent associations are not permitted in Czechoslovakia; all labor unions, professional associations, and even amateur groups are controlled by the Communist Party and subordinated to it. There has been virtually no change in the state and party leadership during the last 16 years.

Czechoslovakia has a large, well-funded security establishment, directed by the Ministry of the Interior and the party hierarchy. It includes uniformed police (public security) who are similar to Western police forces, and the secret police (State Security), who deal with people they judge to be past, present, or future opponents of the regime. This powerful internal security force--backed by the Czechoslovak Army and the 80,000 Soviet troops stationed in the country since 1968--is the main pillar of the Government's control.

Czechoslovakia's centrally planned economy allows little or no private enterprise or ownership in manufacturing, retail operations, agriculture, or services. In recent years, the economy has stagnated, burdened by excessive central planning, obsolete equipment and infrastructure, and a lack of incentives for innovation and initiative.

The human rights situation in Czechoslovakia changed little in 1986. In September police arrested the entire leadership of the Jazz Section of the Prague branch of the Union of Musicians. Since the late 1970's, the Jazz Section, originally a legally constituted association of jazz fans, has had to engage in a struggle with state authorities over its continued existence. At this time, five of the seven members of the leadership (two in ill health were released in December) remain in jail, charged with "unauthorized enterprising," but no trial date has been set.

In their dealings with the population, the authorities continue to make free use of various forms of repression, including: frequent house searches, detentions, and interrogations; suspended prison sentences and "protective supervision"; intrusive surveillance and other forms of psychological pressure; discrimination in employment; and denial of educational opportunities to the children of persons deemed opponents of the regime. As in previous years, the harshest repression has been directed at religious activists and at those individuals and groups who monitor human rights abuses in Czechoslovakia.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Every year, Czechoslovak and other East European citizens are fired upon and sometimes killed by Czechoslovak border guards while trying to cross the frontier without official permission. These incidents often do not come to public attention unless the victims reach the West or the shootings

occur on Western soil, so it is impossible to estimate the number of fatalities that result.

Two separate occurrences during late September demonstrate Czechoslovak harshness in preventing even potential unauthorized border crossings. In one instance, border guards reportedly pursuing Polish citizens trying to cross into the West shot and killed a citizen of the Federal Republic of Germany on West German territory and held his body for 4 days, returning it without organs and tissues that might have revealed the circumstances of the killing. In a second incident, Czechoslovak guards seized an Austrian pensioner on Austrian territory and held him for 7 hours before forcing him to sign a false and incriminating protocol.

There were no reports of other political killings by the police in 1986. However, political activists continue to report occasional intimidating police warnings.

b. Disappearance

There were no reports of disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There have been no reports of systematic torture in Czechoslovak prisons since the early 1960's. Many former prisoners credit this to the influence of President Husak, who himself suffered long years of imprisonment and mistreatment in the 1950's. There have been, however, reports of beatings, threats, and intimidation during interrogation. Reports of mistreatment have been most frequent in political cases.

Prison conditions are poor and sometimes approach the level of cruel and inhuman treatment. This is especially true under the "third category" of imprisonment (the harshest regime). In general, cells are small and unheated, family visits are strictly limited, and prisoners report such punishments as reduction in pay and limitations on free time, bathing, and exercise periods if they fail to meet unrealistically high work standards. Informed sources report that prisoners are assigned unpleasant and hazardous work which normal workers refuse to perform. Inmates are occasionally given such health-threatening assignments as polishing crystal and costume jewelry in environments lacking sufficient ventilation to prevent glass fragments and chemicals from being inhaled. Sanitary facilities, diet, and medical facilities are reliably reported to be deficient. Former prisoners have reported that prison guards sometimes encourage hardened criminals to prey on persons serving sentences for political offenses. Prisoners or former prisoners who complain publicly of mistreatment have been severely punished, sometimes being tried and sentenced anew for "offenses" deriving from this activity.

Several cases of misuse of psychiatry for political purposes have been alleged in recent years, including that of religious activist Augustine Navratil. Navratil was detained in November 1985 for distributing Catholic samizdat (self-published) literature. In December 1985, he was remanded to the closed section of a psychiatric facility in Prague and in March 1986 was transferred to a psychiatric institution in Kromeriz. In September a court rejected Navratil's request for termination of psychiatric treatment but decreed that he might be treated on an out-patient basis.

The state prosecutor objected to that decision, and Navratil was not released into ambulatory treatment until late October. The decision to release Navratil may be reversed at any time, however. Helsinki Watch reported that Stefan Javorsky, a Catholic priest charged in 1986 with conducting unauthorized church activities, was ordered by security police to undergo psychiatric examination and was to report to a psychiatric facility. In its July 1983 meeting, the World Psychiatric Association accused Czechoslovakia of misusing psychiatry for political purposes. Czechoslovakia thereupon resigned its membership in the organization.

d. Arbitrary Arrest, Detention, or Exile

Czechoslovak citizens are frequently arrested, detained, or subjected to searches and interrogations for expression of views contrary to those of the regime. Judicial and police authorities often explain such actions in legal terms and perform them with warrants. They have also, however, been carried out without warrants. Under the law, a person may be detained for up to 48 hours without being charged, although in practice this limit is not strictly observed. It is normal for political activists to be detained repeatedly and then released without the filing of charges. Searches, detentions, and frequent interrogations are among the tactics used by the regime when it has decided to harass rather than to prosecute.

According to law, a detainee may be held in investigative detention for 60 days if the authorities decide to press charges. A detainee lacks the right to have visits by family members until after his or her trial is over. Investigative detention may be and often is extended at the request of the prosecution, and detainees are occasionally held for long periods without being brought to trial. For example, Jan Dus, an Evangelical minister without state license and a Charter 77 signatory, was arrested on May 20, 1986, and has been held awaiting trial since then.

People arrested for expressing views opposed by the regime are generally charged with "subversion," "incitement," "defamation of the Republic," or "damaging the interests of the Republic abroad." Czechoslovak citizens who have unauthorized contacts with foreign diplomats or who frequent embassies and their libraries have on occasion been charged with "espionage." Those arrested for religious activities are usually charged with "obstructing state supervision over churches and religious societies." Many of these articles of the criminal code are sufficiently elastic to encompass almost any activity. In certain instances, the authorities have also resorted to trumped-up criminal charges (e.g., "hooliganism" or "stealing Socialist property") to punish those whose real offense was to engage in unauthorized political or cultural activity.

The Czechoslovak authorities have not formally imposed internal exile or house arrest in Czechoslovakia since the 1950's. In 1984, though, for the first time, the Government introduced a regime of "protective supervision," which combines features of both. Former political prisoners currently subjected to this regime include Ladislav Lis, Jiri Gruntorad, Petr Cibulka, and Ivan Jirous. Protective supervision brings to bear travel restrictions, curfews, frequent searches of persons, homes, and guests, and the obligation to report regularly to the police. Ladislav Lis, for example, has had to report to the police as frequently as 10 times a week. He has suffered lengthy house searches

occurring 3 to 5 times a week, and he has had many of his visitors detained, taken away for questioning, and otherwise harassed. The imposition of such a regime, intended for habitually violent offenders, against persons who have never committed or advocated an act of violence is clearly aimed at isolating them from contact with the outside world.

The Government has also turned to forced exile in order to rid itself of critics. In numerous cases, people who had been working or visiting abroad with official permission have been stripped of citizenship and refused the right to return. The authorities have had recourse to something approaching forced exile in cases involving people who have already served a jail sentence. Upon their release, or while they are still in prison, such persons are pressured to emigrate. If they refuse, they and their families suffer harassment, denial of jobs and schooling, and the threat of rearrest. Frequently, after a year or more of this treatment, these ex-prisoners apply for emigration passports.

Forced labor does not exist in Czechoslovakia, but "work education" is required of prisoners. Former prisoners report that convicts face higher norms, lower pay, and poorer working conditions than do ordinary workers.

e. Denial of Fair Public Trial

According to Czechoslovak law, people charged with criminal offenses are entitled to fair and open public trials. The law provides that accused persons have a right to be informed concerning the charges against them, to retain counsel, and to present a defense. Actual practice is quite different, however, especially where political offenses are concerned.

Defendants may choose their lawyers, and court-appointed lawyers are available if required. However, lawyers, like judges, are subject to direct and indirect pressures from political authorities, and they do not always vigorously represent their clients. Defense attorneys who have defended their clients with vigor have in some cases been disbarred and occasionally prosecuted. Defendants do exercise their right to defend themselves in court and occasionally get charges dismissed or reduced at the original trial. Thereafter, an appeal filed by the prosecution may, however, result in an increase in the sentence or in additional charges.

In contrast to previous years, 1986 saw friends of defendants, representatives of the press, and diplomats gain access to a number of trials with political content.

The judiciary is not independent of the regime and the Communist Party. In theory, judges can be removed only by the Federal Assembly (parliament) or by the Czech or Slovak National Council. In practice, they are subject to direct control and supervision by the party, to which most judges and ambitious lawyers must belong.

The number of political prisoners in Czechoslovakia is difficult to estimate. The Czechoslovak Government does not recognize political prisoners as a separate category and does not release figures on its prison population. The only figures available are those from the Committee for the Defense of the Unjustly Persecuted (VONS), which to the best of its ability documents individual cases. By VONS's own count, at least 36 prisoners whose cases it had been following were in

prison in December 1986. However, VONS does not monitor certain categories of political prisoners, such as those sentenced for attempts to leave Czechoslovakia without official permission. The number of such prisoners--most of whom serve terms of 1 to 2 years--has been variously estimated at between 200 and 800.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government accords itself the right to monitor and control the leisure-time activities of its citizens. Consequently, it also interferes with privacy of communications.

Those who are considered opponents of the regime bear the brunt of heavily intrusive surveillance. They, their families, and their friends are routinely subjected to such measures as electronic surveillance, tapping of telephones, and interception and destruction of mail. Discrimination in education and employment is a regular aspect of the harassment and persecution of families of dissidents and religious activities. Fear that their children will be denied higher education is a major factor in preventing open dissent among intellectuals and white-collar workers.

A special problem exists for religious believers who wish to raise their children in their faith. Organization of religious instruction or of ceremonies in private homes is forbidden. Parents must obtain the permission of local authorities if their children are to receive religious education at school. School authorities warn parents that participation in religious classes could be damaging to a child's education and career prospects.

Contacts with persons and organizations in the West and receipt of information from the West are discouraged. Czechoslovaks in many professions are required to file a report each time they have a conversation with a Westerner. Broadcasts of Radio Free Europe in Czech and Slovak are jammed in Prague and in other major cities, although they often can be heard in rural areas. Other Western radio broadcasts are not jammed. Many people who live near the country's western or southern borders can receive West German or Austrian television broadcasts.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution provides for freedom of speech and of the press, it also states that these freedoms must be exercised "in accordance with the interests of the working class." In effect, individuals may not publicly voice opinions that differ from party policy or that question the legitimacy of party rule, the fundamental principles of the "Socialist" State, or the regime's relationship with the Soviet Union. Likewise, political directives severely limit academic freedom.

All newspapers and magazines are published and controlled by political parties or mass organizations of the National Front (e.g., the Youth League, Revolutionary Trade Union Movement, or Sports Federation). These in turn are controlled by the Communist Party. Legal religious literature and periodicals are subject to strict censorship and are published only in

limited editions. Publishing houses and the news media, all state-owned, employ self-censorship under Communist Party guidelines. Editors who are insufficiently vigilant suffer fines or dismissal. Writers who wish to publish must belong to the state-controlled Union of Writers.

Only a limited number of Western non-Communist periodicals penetrate into the country, and these are beyond the reach of ordinary citizens. Since the early 1970's, libraries have restricted access to Western publications of a political character to those individuals who have obtained special permission from their employers or their universities, documenting their need for the material for official purposes. Periodicals such as Time and Newsweek are locked in cabinets controlled by special personnel. Books and periodicals published during the 1968-69 period or other publications considered ideologically "harmful" are subject to similar controls.

Printing and photocopying equipment, except typewriters, is under the control of the Interior Ministry and cannot be legally obtained by private citizens. Despite these restrictions, a lively underground samizdat (self-published) press publishes a variety of fiction and nonfiction, usually in very small editions. Some of it is sent abroad, where it is reprinted in émigré publishing houses and then brought back to Czechoslovakia in larger editions. Those arrested for literary activities in 1986 included, but were not limited to, Jaroslav Svestka, who was sentenced to 1 year in prison for subversion in connection with his attempt to forward excerpts of the book "Orwell's Year" to a friend in the West; Herman Chromy, who was sentenced to 2 years' imprisonment for subversion because of his own writing as well as the discussion of his political views and distribution of printed materials at his workplace; and Jan Dus, the Evangelical minister mentioned earlier, who is awaiting trial on charges related to aspects of Chromy's case.

b. Freedom of Peaceful Assembly and Association

Although the Constitution theoretically grants freedom of assembly, that freedom does not exist in practice. Public meetings may be held only with the permission of the police, and this permission is given only when the meeting supports state objectives. When the authorities wish to have a large rally (May Day or "peace" demonstrations), people are often pressured to attend.

Lectures and film showings in private homes may also be subject to dispersal or other police controls--such as denial of access to invited guests--if the authorities object to their subject matter or participants. In July 1986, the authorities prevented U.S. Senator Larry Pressler from meeting with Czechoslovak citizens active in monitoring the human rights situation in Czechoslovakia. In September police allowed dramatist and Charter 77 figure Vaclav Havel to host an event dedicated to his selection as the 1986 Erasmus Prize honoree, but refused entry to many invited guests.

Spontaneous independent associations are not permitted in Czechoslovakia. The Government's unwillingness to tolerate independent initiatives on the part of these organizations is to be seen in its treatment of the Jazz Section of the Musicians Union. This once legally constituted association of 7,000 jazz fans throughout Czechoslovakia formerly organized

jazz festivals and sponsored publications on music and the arts for its members. In March 1985, the Jazz Section was dissolved under a 1968 statute banning "counterrevolutionary activity." Leaders of the Section protested and addressed a series of letters and petitions to the authorities. Their actions brought down upon them surveillance, interrogations, loss of employment, and other forms of harassment. Because of its international status as a member of the UNESCO-affiliated International Jazz Federation and because of growing Western public attention to its struggle, the Jazz Section was able to continue operating for a time.

In September 1986, Jazz Section offices and its leaders' apartments and places of employment were raided by police, who confiscated approximately 800 books, several hundred magazines, and the Section's records. Seven members of the Jazz Section, including its leadership, were arrested and charged with "unauthorized enterprising." Although two of the Section's leaders in ill health were released in December, five colleagues remain in detention, awaiting the State's decision as to whether or not to prosecute.

In another example, on May 26, 1986, the preparatory committee of a proposed organization to be named "Young Art for Peace" submitted a request for approval of its bylaws to the Ministry of Interior. The organization was intended, within the framework of the National Front, to bring together young people in the "quest for peace" and at the same time to assist in "the development of moral values." Reportedly through indirect pressures, the security forces convinced the preparatory committee to withdraw its request on June 5.

Czechoslovak workers do not have the right to establish and join organizations of their own choosing without previous authorization. An attempt to establish an independent trade union in the early 1980's was suppressed. Membership in official trade unions or professional associations is virtually obligatory for workers and for those seeking to practice a profession. Communist Party membership is an unwritten, but commonly acknowledged, prerequisite for nearly all higher-level jobs.

The Czechoslovak labor union umbrella organization, the Revolutionary Workers' Movement (ROH), is a mass organization strictly controlled by the Communist Party. Strikes, independent organizing efforts, and collective bargaining are not permitted under the Czechoslovak system. The ROH is affiliated with the World Federation of Trade Unions, whose headquarters are in Prague.

The Constitution guarantees the right and duty to work. In practice, persons who are considered politically unreliable are barred from professional positions and forced into menial, low-paid jobs such as coal stokers and nightwatchmen. This practice has been condemned by the International Labor Organization.

c. Freedom of Religion

Freedom of religion, guaranteed in the Constitution, is strictly limited in practice. "Scientific atheism" is part of the official ideology, and the regime actively discourages all religious activity, especially among the young. Teachers, policemen, Communist Party officials, and members of certain other professions encounter problems in their careers if they

are seen in church. Higher education is often denied to active believers and to their children. For many years, no new Catholic church buildings have been approved for construction. However, some Protestant congregations--including Baptists--have been allowed to build new churches.

The Government exercises strict control over all religious activity. A church must be officially registered in order to function legally in Czechoslovakia. Groups which proselytize, such as Jehovah's Witnesses and Mormons, are banned outright, and their members suffer frequent harassment and arrest. Jehovah's Witnesses have been reported in several prisons, but there is no reliable estimate of their number.

In 1986 Helsinki Watch reported several instances of official harassment of religious figures. Stefan Javorsky, a Catholic priest, was sentenced to 12 months in prison for "obstructing state supervision of churches and religious societies" by celebrating private masses and hearing confessions without a state permit. Catholic priest Bystrik Janik was sentenced to 28 months in prison for religious activities without state authorization. Milos Reichert, an Evangelical Protestant minister and human rights activist, complained to the Government of police harassment, including confiscation of copies of a religious book.

Organized religious practice is hampered by both written and unwritten restrictions. Clergymen are paid by the State and must receive a state license in order to practice. Such licenses can be--and are--withdrawn without explanation. Estimates of the number of clergymen who have lost their licenses vary, but they are known to include several bishops. Those who continue to practice despite revocation of their licenses are liable to criminal prosecution.

The Czechoslovak record in facilitating travel by religious officials to and from Czechoslovakia is spotty. When the proposed visit serves the purpose of the State and takes place between an officially recognized institution in Czechoslovakia and its counterpart elsewhere, visas are often granted. In the case of the Catholic Church, however, the Government has followed an extremely restrictive policy. Pope John Paul II has not been permitted to visit Czechoslovakia, despite an invitation from Cardinal Tomasek and petitions signed by thousands of Czech and Slovak Catholics. Similarly, Catholic priests and other religious leaders who manifest too great independence are frequently denied permission to travel outside the country.

Unofficial or unsanctioned travel by religious groups for purposes the Government considers illegal--e.g., importing religious literature or objects, conducting religious training, and similar activities--is severely punished.

The Roman Catholic Church is the largest of Czechoslovakia's 18 officially registered religious bodies. There are an estimated 8 to 11 million Roman Catholics in the country, and up to 450,000 members of the affiliated Greek Catholic (Uniate) Church. The Greek Catholic Church was reestablished in 1968 after having been forcibly united with the much smaller Orthodox Church in 1950. However, the Greek Catholics have been unable to reclaim their property, which remains in the possession of the Orthodox Church.

CZECHOSLOVAKIA

Students in Czechoslovakia's two remaining Catholic seminaries (out of a prewar total of 13) need state approval to be admitted and ordained. In addition, the State must approve each priest's assignment to a parish or higher office. As a result of these restrictions, many priests have to cover more than one parish, and only 3 of 13 dioceses have resident bishops.

In 1950 all male religious orders were dissolved. A few female religious orders were allowed to continue functioning, but they were prevented from accepting new members, except during a brief interlude in 1968. Despite these limitations, some Catholic monastic orders have continued to operate clandestinely, with members making occasional public appearances.

"Pacem in Terris," the state-sponsored "peace association" of clergy, has been a major instrument of state control over the Catholic Church since it was founded in 1970. The association has been losing ground since 1982 when the Vatican banned clerical participation in political organizations worldwide. Although Cardinal Tomasek and the overwhelming majority of the clergy in Czechoslovakia have disassociated themselves from "Pacem in Terris," priests associated with the organization have retained control of Katolike Noviny (Catholic News), the only legally published Catholic newspaper.

The printing of religious literature is severely restricted, and Bibles are in short supply. The demand for religious literature exceeds the supply, and Bibles and other pieces of religious literature are smuggled in from abroad and produced by underground samizdat (self-published) methods. Samizdat and other unofficial efforts to increase the supply of religious material are illegal, and the State deals harshly with persons it determines to have been involved in these activities. Persons caught engaging in them may be charged with obstruction of state supervision over churches and religious societies or even with subversion. Maria Kotrisova was sentenced to 10 months in prison for such activities in 1986. Michal Mrtvy is facing trial for similar activities.

Protestant denominations registered by the Government operate under similar constraints as does the Catholic Church. Proselytizing is forbidden; religious education is strictly regulated and may not be organized in private homes; religious ceremonies are restricted for the most part to church premises, and education of clergymen is closely controlled. Clergymen who become popular with young people or associated with Charter 77 soon find themselves barred from preaching.

Two Jewish community councils, one in the Czech lands and the other in Slovakia, serve the Jewish community of several thousand. These councils are central religious organizations financially supported and controlled by the Government. There are synagogues and prayer houses open for worship and two rabbis, one in Prague and one in Kosice. In Prague, there is a Jewish Museum operated by the State. There are no Jewish schools or rabbinical seminaries.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

For most Czechoslovaks, freedom of movement within the country is not restricted, except near military installations and along the borders with Austria and the Federal Republic of

Germany. However, the Government has increasingly restricted the movements of Charter 77 activists and other "suspect" persons by preventing them from leaving their homes. In 1986 the authorities prevented several Charter activists from attending the Fourth of July celebration at the U.S. Ambassador's residence. Additionally, authorities often restrict the travel of such persons on politically significant anniversaries, such as that of the August 20-21 Soviet invasion in 1968, or while Western officials and other visitors are present.

Travel to Western countries is difficult as travelers must obtain permission and, unless they are visiting close relatives, a hard currency authorization. The number of such authorizations issued each year is far below demand. Travelers to the West must usually leave some member of their immediate families at home to ensure their return. These restrictions are often relaxed for retired persons.

Travel by citizens of Czechoslovakia to other East European countries has become more difficult in recent years. A special passport is now required for trips to Yugoslavia, and travel to Poland has been restricted since 1981. Travel to Hungary has been made more difficult by limiting the amount of currency which may be exchanged and the number of trips which may be made in 1 year. Citizens deemed politically "unreliable" may find that they are denied permission to travel to either Eastern or Western Europe. Jan Stern, one of the Charter spokespersons for 1986, has had his passport confiscated and was offered the explanation that his travel was not in the interest of the State.

The right to emigrate is extremely limited. It is generally enjoyed only by those wishing to join a foreign citizen spouse, or, in the case of retired persons, foreign citizen children abroad. Those caught while seeking to leave Czechoslovakia without official permission may be sentenced to between 6 months and 5 years in prison.

Czechoslovakia occasionally denies the right of repatriation by stripping the citizenship of those citizens it wishes to keep out. Emigration passports are not valid for return without special endorsement, and in some cases permanent exile is a condition for emigration or study abroad. During 1986 Jan Hajek, the son of former Czechoslovak Foreign Minister and Charter 77 spokesman Jiri Hajek, was granted permission to study in Norway. He apparently gained this privilege at the cost of his Czechoslovak citizenship and right of return. Many former Czechoslovak citizens who wish to visit their former homeland are denied visas.

There is a moderate outflow of persons from Czechoslovakia, primarily persons who leave the country legally on vacation to non-Warsaw Pact countries and do not return. This may amount to about 10,000 persons annually, but precise statistics are unavailable.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

All significant decisions regarding the Government, the economy, and society are made exclusively by the leadership of the Communist Party. Through its apparatus, the party leadership determines who will be placed in decisionmaking positions not only within its own ranks but also throughout

the Government, the economy, the media, and mass organizations. Real power is enjoyed by only a few top-level officials in the party Presidium and Secretariat.

Ordinary citizens, especially those who are not party members, have no role in selecting their leaders or in making important political or economic decisions. Four minor political parties are permitted to organize and publish their own newspapers but must conform to Communist Party directives. All parties and mass organizations are incorporated in the National Front, which is completely controlled by the Communist Party. Among its tasks is the nomination of a single slate of candidates to stand unopposed at all elections.

Czechoslovak citizen Pavel Wonka is currently in jail facing a possible 3-year sentence for the distribution of an independent election ballot for the May 1986 election program to the Federal Assembly. Wonka had hoped to present himself as an independent candidate in the elections.

Section 4 Governmental Atttitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Czechoslovak Government reacts negatively to expressions of concern about human rights violations in Czechoslovakia either by other governments or by nongovernmental institutions. Czechoslovak officials have, however, spoken candidly with U.S. officials about the Czechoslovak Government's interpretation of human rights and of the limits which it contends must exist to provide adequate protection for society. There have been reports in the past that the Government had delayed or denied visas to members of international human rights organizations such as the Helsinki Watch Committee and Amnesty International.

Two groups within Czechoslovakia concern themselves with human rights. One is Charter 77, a group of individuals who signed a document, first made public in January 1977, calling on the Government to honor its commitments to international agreements on human rights, including the Final Act of the Conference on Security and Cooperation in Europe, as well as human rights guarantees in the Czechoslovak Constitution. The second group, the Committee for the Defense of the Unjustly Persecuted (known by its Czech initials VONS), uses public records and reports from friends and relatives of the accused to issue communiques in cases where it believes the police, the courts, or the prisons have abused citizens' civil rights. These communiques are distributed to the Czechoslovak authorities. Members of both these groups are targets for harassment by the regime.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Health care, educational, retirement, and other services are provided without regard to race or sex. Membership in the Communist Party confers special access to goods and services (including education, medical services, and consumer items), and party officials enjoy particularly favorable treatment.

The retirement age is 57 years for women and 60 years for men. The average pension is 55 percent of the average wage, and many retirees supplement their pension payments by working.

CZECHOSLOVAKIA

Czechoslovakia has two major nationalities--Czechs and Slovaks --and two substantial minorities--Hungarians and Gypsies. Interethnic relations are still colored by historic animosities, but Czechoslovakia provides certain guarantees for minorities. Hungarians, who are concentrated in southern Slovakia, form the country's largest minority (555,000, according to official statistics). They are represented proportionately in federal and local legislative bodies but are underrepresented in high-level jobs in industry, government, and the party apparatus. The State provides some primary and secondary education in Hungarian and permits a limited number of ethnic Hungarians to pursue higher education in Hungary. Ethnic Hungarians complain, however, that Hungarian-language instruction at the elementary and secondary levels is being reduced, and that the lack of opportunities for higher education in Hungarian is creating a growing shortage of qualified Hungarian-language teachers.

Gypsies, who number about 250,000, are the only other sizable minority in Czechoslovakia. As elsewhere in Europe, they tend to suffer from disproportionately high rates of poverty, crime, and disease. However, their problems appear to result as much from tradition and popular prejudice as from government policies.

Approximately 30,000 Vietnamese laborers are temporarily residing in Czechoslovakia. Reportedly, they are allowed to retain two-thirds of their salary. The remainder is shared by the Czechoslovak and Vietnamese Governments.

Women comprise 46.5 percent of the work force, but they tend to be concentrated in lower-paying, less-skilled jobs. They do, however, receive pay equal to their male colleagues if they hold the same job. There are inconsistencies in the responsibilities women are asked to assume: they are encouraged to join the work force, but they are also offered incentives to have children. Women are equal under the law, and there are small numbers of women in the professions. Female representation is very slight in higher-ranking party, government, and managerial positions. There is only one woman in the party Secretariat, and she holds her position by virtue of being chairman of the Woman's League. There are no female ministers or ambassadors.

CONDITIONS OF LABOR

The minimum age for full-time employment is 16, although younger persons may accept part-time employment. The average workweek is 42.5 hours. Beyond 45 hours, workers are paid overtime, and there are additional bonuses for some shift and weekend work. There is a nominal labor shortage induced by low productivity and the underutilization of resources. The need for unskilled and semiskilled labor is filled in part by workers from other Communist countries. Working conditions appear generally adequate, although less attention is paid to occupational safety and the problem of environmental pollution than in the West. When employee-management problems arise, workers have little recourse since strikes and independent labor organizations are prohibited, and the major preoccupation of the state-controlled labor union is to ensure that production plans are fulfilled.

DENMARK

Denmark is a constitutional monarchy with a strongly established tradition of democratic parliamentary rule. The reigning monarch is Queen Margrethe II. A cabinet headed by the Prime Minister and accountable to the unicameral Parliament (Folketing) has responsibility for government decisions. The 179 members of the Folketing are elected in free and open elections under a complex system of proportional representation designed to protect the rights of minority parties and to reflect the popular vote. Since late 1982, Denmark has been governed by a four-party minority coalition led by Prime Minister Schlueter's Conservative Party. The coalition is dependent on support from other parties to maintain a parliamentary majority.

Human rights are highly respected and well protected in Denmark, both in principle and in practice. The Constitution establishes the Folketing's "ombudsman," to whom any citizen may protest if he or she feels wrongly or unreasonably treated by any Danish national or municipal authority. At the global level, Denmark participates actively in a number of international commissions concerned with the protection and preservation of human rights.

Denmark has displayed a high degree of concern for the rights of minorities, particularly the indigenous populations of territories such as Greenland and the Faroe Islands, which now enjoy broad powers of home rule.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no politically motivated killings.

b. Disappearance

Abductions, secret arrests, and clandestine detentions did not occur.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Protection against torture and inhuman treatment is guaranteed by law and respected in practice. A rehabilitation and research center for torture victims established in 1983 in Copenhagen treats patients in the refugee community. An estimated 150 foreign torture victims obtain asylum yearly.

d. Arbitrary Arrest, Detention, or Exile

No person in Denmark can be deprived of personal liberty without due process of law. Arrested individuals must be taken before a judge within 24 hours of detention. The judge has the authority to determine whether the person should be detained in pretrial custody or released pending trial. The Constitution makes provision for bail. Arrested individuals have access to legal counsel of their choice or court-appointed attorneys. Non-Danish speakers are provided with interpreters at government expense. The occasional use of solitary confinement during the pretrial custody period has been criticized in the media, but police authorities maintain that

the isolation system continues to be used only in the most serious crimes, such as narcotics violations.

Forced or compulsory labor is prohibited.

e. Denial of Fair Public Trial

Trials are generally public; judges are allowed to make exceptions to this rule only in certain circumstances, such as paternity and divorce trials. In criminal cases, trials are only closed when it is necessary to protect the privacy of the victim, such as in rape or child molestation cases, or when it is deemed necessary to protect the identity of a witness. To ensure a fair trial, Danish courts make extensive efforts to obtain the facts of a case, and the rights of the accused are carefully protected. All indigent defendants have the right to a court-appointed attorney at government expense. The defendant is free to change the court-appointed attorney.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under the Constitution, searches of the home, seizure and examination of papers, and breaches of the secrecy of communications are prohibited in the absence of a judicial order, unless a particular exception is provided for by statute. These provisions are respected in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Denmark has a free and open society. A person may express an opinion in written or oral form on any matter, subject only to the condition that he or she may be held responsible in a court of law if there are charges of libel or malicious slander. Media representatives and private individuals make full use of the freedom of expression. Criticism of the Government or government policy is not a punishable offense, and censorship is not practiced.

b. Freedom of Peaceful Assembly and Association

Danish residents are free to assemble and form associations for any lawful purpose. Police are entitled to be present at public meetings or demonstrations which could constitute a danger to the public peace.

Approximately 85 percent of Danish wage earners are members of trade unions. Under the General Agreement of 1960, workers and employers acknowledged each other's right to organize. Labor agreements and legislation protect the rights of workers and employers and regulate the work environment.

c. Freedom of Religion

Under the Constitution, the Evangelical Lutheran Church is recognized as the established church of Denmark. However, religious freedom is guaranteed to all residents. No one may be discriminated against because of religious beliefs. These laws are strictly enforced in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Danes have complete freedom to travel and to reenter Denmark. Denmark is a homogeneous ethnocentric society with historically only a small number of nonnorthern European residents who have been accorded a high level of acceptance. Refugees and asylum-seekers are provided with travel documents, when needed, which permit return to Denmark. Forced repatriation is not utilized. The Alien Act of 1983 spells out in detail the rights of aliens in Denmark and provides for appeal procedures when residence permission is denied. Measures designed to protect the rights of potential refugees or asylum-seekers include the establishment of a Refugee Board with authority to reverse decisions of the Alien Directorate and guaranteed access to legal counsel and interpreter service.

Since 1983 there has been a massive influx of asylum-seekers. Over 18,000 people have asked for asylum (mostly Sri Lankan Tamils, Iranians, and Lebanese). This large number of ethnically dissimilar people who require shelter, education, and public assistance has generated additional pressure on the Danish welfare system. The vast majority of Danish political leaders continue to emphasize the need for Danish understanding and acceptance of the recent arrivals, and many have spoken out in favor of increased tolerance for other ethnic groups in Denmark following the rise of tensions between native Danes and immigrant groups.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Prime Minister is appointed by the reigning monarch after consultation with the political parties represented in the Folketing. Members of the Folketing are selected in open elections in which every Danish citizen 18 years or over may participate. A political party must obtain at least 2 percent of the total vote to obtain representation in the Folketing. Nine political parties with a variety of political beliefs are represented in the current Parliament. The Constitution states that parliamentary elections must be held at least every 4 years. The government can be changed in an election or, as happened in 1982, by the resignation of the government in power and the formation of a new government composed of parties already represented in the Folketing.

All Danish citizens and subjects are guaranteed equal protection under the law. The territories of Greenland and the Faroe Islands have home rule governments with broad powers encompassing all but foreign and security affairs. Native Greenlanders enjoy all the rights and privileges of other Danish citizens. In addition, Greenland and Faroe representation in the national Parliament is proportionately larger than that for continental Denmark, and Greenland has a special criminal code designed for local customs and conditions. Native Greenlanders freely participate in international ethnic organizations such as the Inuit Circumpolar Conference, based in Greenland, which has been recognized by the United Nations. Despite periodic disagreements between home rule authorities and the Government, there have been no formal accusations of human rights violations made against the Government.

DENMARK

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Denmark is a party to various international human rights conventions designed to promote and protect human rights. The Government's commitment to human rights issues is fully supported by the Danish population, as shown in opinion polls.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Food, shelter, health care, and education are available to all inhabitants regardless of race, religion, sex, ethnic background, or political opinion.

The living standards and educational levels of native Greenlanders (Eskimos) are lower than those of other Danish citizens, but they are improving steadily, in part because of heavy spending on housing, health, and education programs by the Government.

The Equal Rights Council has worked successfully to eliminate laws and regulations which contained sex discrimination provisions. Women hold positions of authority at all levels of society and actively participate at all levels of the political process. They are in positions of authority in political parties, local governments, and in the national government. Women head three cabinet ministries (Agriculture, Social Affairs, and Ecclesiastical Affairs) and hold about 26 percent of the seats in the Parliament.

CONDITIONS OF LABOR

The minimum age for the employment of children is 15, and specific limitations described in detail in the Working Environment Act of 1975 apply to the type of work which may be performed by those between 15 and 18 years of age. This act also describes acceptable conditions of work, including safety and health; the general duties of employers, supervisors, employees, and suppliers; the performance of work; rest periods and rest days; and medical examinations. The act also establishes a Labor Inspections Service. There is no minimum wage, but the lowest wage level set in any national labor negotiation is approximately the equivalent of US$6.40 per hour. Denmark is now taking steps to reduce the standard workweek from 40 to 39 hours. The "11-hour rule" stipulates that any worker has the right to rest for 11 hours before the start of the next day's work.

ESTONIA*

Estonia was an independent state between the two World Wars but was annexed by the Soviet Union in 1940 as a constituent republic of the U.S.S.R. The United States does not recognize the forcible incorporation of Estonia into the U.S.S.R.

Like the other Baltic states, Estonia is subjected to the same centralized rule, the same Constitution and judicial system, and the same restrictions on civil and political liberties as the republics of the Soviet Union. As implemented in other republics, Soviet policy stresses gradual Russification and a concomitant erosion of native Estonian culture and values. Because of a low birthrate and an official settlement policy that has resulted in an influx of Slavic, primarily Russian, settlers in the recent past, Estonians make up only 63 percent of the total population as compared to 92 percent in 1939.

The standard of living in Estonia is higher than the Soviet average, but the margin is shrinking. Estonians maintain that too much of the national income they generate is transferred to other republics, and they complain of the declining quantity and quality of food supplies and consumer goods.

Expressions of Estonian nationalist and religious sentiment are harshly repressed by the Soviet authorities. During 1986 this repression led to serious human rights violations, including harassment of those who attempted to publicize those violations. All activists are under the threat of punishment by incarceration for their activities.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Although Estonian activists have on occasion died in Soviet custody, it is difficult to prove direct official responsibility for the deaths of persons involved in political dissent.

b. Disappearance

There are no known instances of permanent or prolonged disappearance.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

In Estonia, as throughout the Soviet Union, cruel and inhuman treatment of political prisoners occurs during both interrogations and confinement in labor camps, prisons, or psychiatric hospitals. Physical and psychological abuse of prisoners is common, as is detention under extremely unhealthy conditions. Estonian religious activist Allan Alajaan was freed in 1985 after spending 2 1/2 years in a psychiatric hospital as punishment for attempting to flee the Soviet Union.

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* Given Soviet control over all aspects of life in Estonia, the systemic human rights abuses described in the report on the U.S.S.R. apply also to Estonia. This report discusses only instances of repression specific to Estonia.

ESTONIA

d. Arbitrary Arrest, Detention, or Exile

Soviet laws are written and interpreted in so broad a manner that persons may be arrested and convicted for trying to exercise their basic human rights. On July 19, 1985, Estonian human rights activist Robert Vaitmaa was sentenced to 3 years in a labor camp on charges of "resisting the authorities." Vaitmaa had been arrested on May 7 after being forcibly removed from an airplane while on his way to visit exiled activist Tiit Madison.

e. Denial of Fair Public Trial

Despite guarantees of judicial objectivity in both the Estonian and Soviet Constitutions, the State completely controls the judicial process and, in political cases, arbitrarily decides the outcome of all trials to suit its requirements. No rights of a defendant override the compelling "interests of the State."

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Government interference in personal life is pervasive through the use of informers, mail censorship and confiscation, electronic monitoring of telephones, and other means. Contacts between Estonians and visitors from foreign countries are strongly discouraged, and those who indulge in such contacts are subject to harassment by the authorities.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for most internationally accepted political liberties provided that their exercise does not threaten the security of the Socialist system. In practice, the authorities do not tolerate dissident behavior of any kind. Lutheran pastor Harri Motsnik was arrested on April 13, 1985, and convicted on charges of "anti-Soviet agitation and propaganda," apparently on the basis of his outspoken sermons. Motsnik was unexpectedly released on March 28, 1986, (Good Friday) after a "renunciation" of his "subversive views" was published in the Soviet press.

During the Estonian Writers Union Congress in April, several novelists and poets complained about extensive literary censorship which made it difficult to write about "the crimes of the past" and "the era of repression." They called for more openness, less bureaucratic interference in literature, and less censorship.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to associate in public organizations, but the authorities subject all organizations to their strict control. According to local sources, the traditional torchlight march that marks the beginning and end of the school year at the university in Tartu was canceled, effective June 1986, because authorities perceived the march as a potential forum for the expression of anti-Soviet sentiment.

Soviet labor law and practice are enforced in Estonia. Although the Constitution guarantees all Soviet citizens the

right to form trade unions, any efforts by workers to exercise this right, independently of state-controlled unions, are repressed brutally. Soviet authorities remain concerned that the ideas of the Polish Solidarity trade union movement might spread, and they apply particular scrutiny to the Baltic states. In Estonia the party leadership has denounced local efforts to call strikes at state enterprises.

c. Freedom of Religion

Although the Soviet Constitution guarantees the right to profess, or not to profess, any religion, both the party and Government promote atheism while at best barely tolerating organized religion. As part of an apparently official campaign to reduce the authority and activities of the Lutheran church, many Lutheran pastors have been called in for questioning. Some have had their professional licenses revoked.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement is neither guaranteed by law nor respected in practice. The right to leave the Soviet Union and to return is not respected. Over the past few years, several Estonians have been imprisoned for allegedly "attempting to leave the Soviet Union," including Enn Veerpalu in 1985. The right to emigrate is also severely restricted. Many Soviet Jews, for example, repeatedly have been denied permission to emigrate, and the vast majority of Estonians are not even allowed to apply. Nonetheless, in 1986 two Estonian families with relatives in the United States were allowed to emigrate after waiting many years, and on November 19, the Soviet press agency TASS announced that Kaisa Randpere, the 3-year old daughter of Estonian defectors Valdo Randpere and Leila Miller, and her mother's parents would be allowed to emigrate from the Soviet Union after a 2-year wait.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government.

Soviet authorities strictly forbid all political activity outside the framework of the Communist Party.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Soviet Government rejects any foreign criticism of its human rights record, maintaining that all internationally recognized human rights are fully protected. The Government's attitude toward investigation of the human rights situation in Estonia is uncompromisingly negative and is reflected in the harassment, and occasional expulsion, of foreigners who try to cover human rights in the Soviet Union.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Discrimination on the basis of race, sex, or other grounds is prohibited in the Constitution.

Tensions between ethnic Estonians and ethnic Russians are always near the surface in Estonia, and they appear to be increasing as the proportion of the Russian-speaking

population grows. One manifestation of this is the reluctance of Estonians to learn or use the Russian language. In 1979 only 24 percent of Estonians said they spoke Russian well, a decline of 5 percent from 1970. Furthermore, Russian speakers are often greeted with hostile glares. Both of these developments run counter to efforts by the authorities to promote the use of the Russian language. Many Estonians report that Russians, both living in and visiting Estonia, suffer frequent harassment, such as vandalism and physical and verbal abuse. Tensions between ethnic Estonians and Russians in Tartu reportedly erupted into street fighting lasting several days in October 1985.

The language problem was a significant topic at the Estonian Writers Union Congress in April. One writer, stating that the right to use one's mother tongue in one's homeland is "the inalienable right of every people," criticized organizations and institutions in which the Estonian language was avoided. Another writer noted that the teaching of Estonian in Russian-language schools was not regarded as important. A Russian writer stated that Russian-language schools have no textbook for Estonian literature.

Women nominally enjoy the same legal rights as men. An extensive system of day-care service and maternity benefits enable women to obtain and retain employment outside the home. However, women generally hold less remunerative positions in the professions than men.

CONDITIONS OF LABOR

The statutory minimum age for the employment of children in 1986 was 16, and the standard workweek was 40 hours. The minimum wage was set at $112 per month at the official rate of exchange. According to the latest official data, the average wage is about $272 per month. Soviet law requires, in general terms, healthy and safe working conditions, but they usually fall short of Western standards.

FINLAND

Finland is a constitutional republic, a democratic state built upon the principle of the rule of law. Supreme executive power is vested in the President. A cabinet, consisting of a prime minister and 16 ministers responsible to Parliament, works with the President in governing the country. Judicial power is exercised by an independent judiciary consisting of the Supreme Court and the Supreme Administrative Court. The Finnish people freely choose a 200-member unicameral parliament by direct election every 4 years. They also choose electors every 6 years who in turn elect the President. Reform of the presidential election system to introduce a more direct popular vote is expected to be implemented in 1988. At present, there are nine political parties represented in Parliament, four of which form a center-left coalition government.

The security apparatus is controlled by elected officials and supervised by courts.

Finland has a mixed economy with state, private, and publicly owned companies. Citizens are free to pursue private interests, hold private property, and engage in economic activity without government interference. Aliens generally may own real property only with the Government's permission and are prohibited from engaging in political activity.

During 1986 there were no reported violations in Finland of fundamental human rights. National minorities enjoy the same economic and political rights as the Finnish majority, and women have equal legal status with men.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Killing for political motives did not occur.

b. Disappearance

There were no cases of disappearance, abduction, or clandestine detention.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Freedom from torture and cruel, inhuman, or degrading treatment or punishment is guaranteed by law and observed.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest and imprisonment or exile is guaranteed by law and respected in practice. A suspect may be detained by the police for questioning for 3 days, but for special reasons not specified in the law this period may be extended by 14 additional days. A suspect may, in the latter case, be kept in custody only on order of an authority with the right to remand a person for trial. That authority must immediately notify the court of the extension. The accused is permitted free access to a lawyer both during investigation and following formal arrest. The State pays legal fees for the indigent. A court hearing must take place within 8 days

of notification of the arrest, if in a city, or within 30 days in rural areas.

The circumstances of arrest are subject to judicial review when the accused is brought to trial. Should the arrest be shown to have been incorrect, or should the accused be found innocent, he may apply to the same court for civil damages for loss of freedom.

The Government introduced legislation in 1985 to change the pretrial procedure. The detention period would be shortened to 7 days, and the accused would have access to a lawyer during that time. The purpose is to achieve uniformity with the practice of other Western countries. Parliament's Legislative Committee has proposed some changes in the bill to ensure that the detention period will under no circumstances exceed the maximum of 7 days.

The institutions of habeas corpus--a judicial determination of the legality of a person's detention--and bail do not exist as such in Finland. Those accused of serious crimes must by law remain in custody. Those accused of minor offenses may be released on personal recognizance at the court's discretion.

Preventive detention is authorized only during a declared state of war for narrowly defined offenses, such as treason, mutiny, and trafficking in arms. Supervisory personnel from the Ministry of Justice and the Ministry of the Interior, as well as the Parliamentary Ombudsman and the Chancellor of Justice, have authority to enter prisons and to order the release of prisoners held without charges. By law, Finnish citizens cannot be exiled.

Legislation on the status of conscientious objectors to Finland's obligatory military service was passed in 1985. It took effect at the beginning of 1987 for a trial period of 5 years. Giving the individual the option of serving in the military or becoming a conscientious objector, the law abolishes the investigative board which previously decided whether to confer the status of conscientious objector or not. The new law also lengthens the alternative civilian service for conscientious objectors to 16 months, twice the minimum length of military service. Jehovah's Witnesses are exempt from military service altogether under the law.

There is no compulsory labor.

e. Denial of Fair Public Trial

The right to fair public trial is guaranteed by law and respected in practice. Finnish citizens and legal aliens have the right to counsel. Charges must be clearly stated. Civilians may not be tried by military courts except in time of war. There are no separate security courts. Local courts may conduct a trial behind closed doors in juvenile, matrimonial, and guardianship cases, or when publicity would offend morality or endanger national security. In national security cases, the judge may withhold from the public any or all information pertaining to charges against individuals, verdicts, or sentencing. Sanctions may be imposed if such information is made public.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

FINLAND

The right to privacy and the sanctity of the home, including prohibition of eavesdropping and mail tampering, are guaranteed by law and respected in practice. Security police are subject by law to judiciary scrutiny.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Legal protection, an effective judiciary, an independent press, and a functioning democratic political system assure freedom of speech and press. The media occasionally exercises restraint in treating issues deemed to be potentially harmful to the national interest.

b. Freedom of Peaceful Assembly and Association

These freedoms are guaranteed by the Constitution. However, if the purpose of association is to influence political issues, only Finnish citizens may participate. Public demonstrations require notification to the police.

Trade unions are constitutionally guaranteed the right to organize, assemble peacefully, and strike. They enjoy a protected status and play an important role in political and economic life. Over 80 percent of the labor force is organized in unions. A one million-member blue collar confederation, the Central Organization of Finnish Trade Unions (SAK), dominates the trade union movement. Three other central organizations cover white collar, professional, and technical employees. Trade unions are independent of the Government. Most unions maintain relations with Nordic counterparts. The four confederations also have bilateral contacts with the Soviet All-Union Central Council of Trade Unions. SAK and one white-collar confederation are members of the International Confederation of Free Trade Unions. Two affiliates of SAK have ties to Communist-dominated international trade union organizations. Finnish trade unions participate in the International Labor Organization.

The Government encourages voluntary organizations and subsidizes private groups formed to achieve a public purpose. They are permitted to maintain relations with other international groups in both Communist and Western countries. If the membership of such an organization is more than one-third foreign, the group requires the Government's permission to operate.

c. Freedom of Religion

Finland has two state religions: the Lutheran and the Orthodox. Taxes are collected by the Government from members to support these churches. Other Christians, Moslems, and Jews enjoy unrestricted freedom of worship. Approximately 90 percent of the population belongs to the Lutheran Church.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Finns are free to travel within the area of the Nordic countries--Finland, Sweden, Norway, Denmark, and Iceland--without passports and need not apply for exit visas for travel to other countries. Over 200,000 Finns emigrated to Sweden in the past two decades to seek employment, and over

one-half that number have returned. No restrictions have been placed on emigration or repatriation.

The criteria which the Government applies when deciding to grant political asylum are periodically debated. The Government maintains that, "in accordance with the Geneva Agreement, Finland gives asylum to individuals arriving (in Finland) who have the characteristics of refugees determined by the agreement." Eighteen persons applied for political asylum in 1985, and in only one case was it granted; the other 17 persons, however, were granted the right to stay in Finland for an unstipulated period of time. There were no documented cases of forced repatriation of people claiming to be refugees, although the Finnish press interviewed human rights activists in 1986 who said that some people claiming to be Soviet refugees were sent back to the Soviet Union. Finnish Government spokesmen denied the reports. The Government has categorically denied the existence of any agreement with the Soviet Union regarding repatriation of Soviet refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Finland is a multiparty, parliamentary democracy in which all citizens over the age of 18 freely elect their representatives from among multiple lists of candidates representing a wide spectrum of political ideologies. The country has the longest tradition of women's suffrage in Europe, and there are at present 62 women representatives in Parliament and 3 women cabinet ministers.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Finland participates actively in international human rights organizations. It has not been the subject of an international investigation of alleged human rights violations. Within Finland, several organizations monitor human rights performance, including the Finnish Red Cross, the government-sponsored Council for Equality, the Women's Rights Union, and Amnesty International. A Finnish Helsinki Watch group was established in July 1985 but has not been active.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Food, shelter, health care, and education are available to all inhabitants regardless of race, religion, sex, ethnic background, or political opinion.

To redress existing inequities between the sexes, the Council for Equality coordinates and sponsors legislation to meet the needs of women. A comprehensive Equal Rights Bill, which ensures equal treatment for women in the workplace, will take effect in 1987. An Equal Rights Ombudsman is to take office at the same time. A new surname law, permitting women to retain their maiden names after marriage as their only surname, took effect in January 1986. It also makes it possible for a husband to take his wife's surname.

CONDITIONS OF LABOR

Finland rigorously upholds international standards on working conditions, child labor, and occupational safety and health.

FINLAND

The minimum age for full-time employment is 16 years. However, the law permits youths of 14 and 15 years of age to spend up to two-thirds of their school holidays at work up to a maximum of 7 hours per day and 36 hours per week. Workers under 18 years of age also work less than a standard workweek, and night work is prohibited.

The minimum wage varies according to the industry but averages approximately US$3.57 per hour. A 40-hour workweek is standard, although persons in straight shift work have a 36-hour workweek, and those in certain occupations can work longer in a week, subject to an 80-hour or 120-hour maximum in 2 or 3 weeks respectively.

Several laws protect workers while on the job and in transit to and from their work. Enforcement machinery includes the National Board of Labor Protection and labor protection delegates elected by the workers themselves. Cooperation between labor and management has been mandatory by statute since 1974.

FRANCE

France is a democratic republic with constitutional guarantees of human rights, freely functioning political parties, and regular elections. Voter participation (with universal suffrage) is high. Elections at the local as well as national level are occasions for ideological and topical debate.

France has a highly developed industrial economy comprising a mixture of public and private enterprises. The present Government has begun a 5-year program to denationalize key industries, banks, and certain services. Some had been nationalized in 1946, while others became publicly owned during the first year and a half of the Mitterrand Presidency (circa 1982).

The promotion of human rights is a principal tenet of French foreign policy. French leaders speak out frequently on worldwide abuses of human rights and often refer to the protection of these rights within France. On taking office in March 1986, Prime Minister Jacques Chirac created a new position of Secretary of State for Human Rights to oversee human rights issues relating to both domestic policies and foreign affairs.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Political killings by governmental forces did not occur in France in 1986. Terrorist groups--particularly those of Middle Eastern origin but also including some indigenous groups--took responsibility for a number of violent, politically motivated incidents on French soil in 1986. A group calling itself the Committee for Solidarity with Arab Political Prisoners, which is thought to be a cover name for the Lebanese Armed Revolutionary Faction, carried out a series of bombings in Paris that killed 10 people and wounded almost 200. Their motive was to force the French Government to release several Middle Eastern terrorists from prison.

Basque separatist terrorists mounted several attacks in France, including the machine-gunning of a gendarmerie post in which one officer was killed. Both Action Directe (Direct Action) and the Corsican National Liberation Front continued their terrorist activities--mostly politically motivated bombings--although on a smaller scale than in previous years.

b. Disappearance

There is no evidence that French security services have engaged in abduction or secret arrests.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

France does not condone or practice torture or cruel, inhuman, or degrading treatment or punishment.

d. Arbitrary Arrest, Detention, or Exile

French law guarantees freedom from arbitrary arrest and imprisonment. There is no direct equivalent of habeas corpus

in the French legal system, but there is a limit of 2 days--4 for drug and terrorist cases--before a suspect must be transferred to a magistrate for investigation.

The French judiciary plays a determining role in the detention process. Government authority to hold a person beyond the prescribed periods is severely restricted, and such detention must be ordered by the competent court. As part of continuing reforms in the legal system, the Minister of Justice proposed a series of measures aimed at facilitating the ability of the police to deal with terrorists.

In an effort to contain violence and in response to requests from the Spanish Government, the French Government continued its policy of "assigned residence," moving Spanish emigre Basques suspected of terrorist connections to towns in northern France. Whereas in past years the French Government expelled certain suspected Basque terrorists to Latin America and Africa, in 1986 it initiated a policy of expelling such suspected terrorists, who were believed to be involved in terrorist attacks, to Spain. The Government has expelled more than 10 Basques under this more recent policy, which is allowed by a 1945 legal procedure called "absolute emergency," under which the Government can expel without legal proceedings foreigners suspected of posing a threat to the security of the State.

In general, the new Government still sets great store by France's tradition as a refuge for victims of political and religious persecution.

There is no forced or compulsory labor in France.

e. Denial of Fair Public Trial

The right of fair public trial is guaranteed by law and respected in practice. Suspects have the right to legal counsel as soon as their cases are transferred from the police to the magistrate. For misdemeanors, pretrial confinement is limited normally to 4 months, with possible extensions in special circumstances not to exceed 8 months. For felonies, pretrial confinement is not limited. French law provides for the right of appeal, except in jury trials of felony cases. An appeal to the Cour de Cassation is possible in felony cases, but this court rules only on procedure. No appeal that involves review of the facts of the case is possible.

Trials in France are normally open and public, though provisions exist for the defense to request a closed proceeding. The press has free access to records of court proceedings, although under French law the prosecutor may not disclose information about cases being tried or investigated. There is no evidence that the authorities detain any person for political reasons.

Pending completion of legislative reforms, legal proceedings have been suspended against individuals whose requests for conscientious objector status were rejected. There are still some persons, however, serving prison terms imposed prior to 1983 by the now defunct Permanent Tribunals of the Armed Forces because they did not present such requests and refused military service.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Freedom from invasion of privacy is guaranteed by French law, and this freedom is respected in practice. The search of a private residence requires a search warrant and must take place between 9 a.m. and 6 p.m. except in special circumstances, such as drug cases, when the search can be undertaken at any time. Telephone conversations may be monitored in conjunction with criminal proceedings with a court order and in national security cases with administrative approval from the agency conducting the investigation. The authorities have occasionally opened correspondence to enforce currency regulations, though this is not a widespread practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These freedoms are guaranteed by law and respected in practice. Newspapers and magazines are free from government control and carry views ranging across the political spectrum. Major radio and television stations are publicly owned, although the Government is not directly involved in their daily operation and does not seem to limit broadcast press freedom. Since 1983 private "free" radio stations have been in operation. In August 1986, the Government sponsored a major reform of audiovisual policy. One national television station will be privatized, and two new private channels relicensed. The law also creates a new independent body with broad authority to oversee the audiovisual field.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association is constitutionally guaranteed and usually respected. In December large numbers of students demonstrated against a proposed reform in the education law. The protests continued for several days with a small number of participants involved in unruliness and vandalism into the small hours of the morning. One student, Malik Oussekine, died after receiving blows from the police in an incident that has been submitted for judicial review.

Labor unions have the right to organize free from government control. Although only one-fifth of labor is unionized, trade unions exercise significant economic and political influence. They are present and active in numerous tripartite (government, employers, and labor) bodies dealing with social matters, including labor courts and the Economic and Social Council, a constitutionally mandated consultative body. All unions are technically independent of the political parties, but many of the leaders of France's largest union, the General Confederation of Labor, belong to the Communist Party. (The General Secretary traditionally is a member of the Communist Party political bureau.) Leaders of most other unions are members of one or another faction of the Socialist Party, although members of other parties are also active in the labor movement. All unions and employers associations are very active in the International Labor Organization and other international organizations, including all three world trade union confederations. A Frenchman is President of the World Employers Association. French workers are free to strike, with a few minor exceptions in cases where strikes are determined to be a threat to public safety.

c. Freedom of Religion

Roman Catholics comprise by far the largest religious group in France. Separation of church and state is guaranteed by law. All religious groups function freely without persecution. Despite strong initial public opposition to proposed legislation regarding private (largely Catholic) schools, the Government in 1984-85 succeeded in passing compromise education reform measures which allow public authorities some say in private school personnel practices. Private and parochial schools receive substantial subsidies from the Ministry of Public Education.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

French law provides for freedom of internal movement, foreign travel, emigration, and repatriation. Arriving refugees, intending emigrants, and intending repatriates can undertake foreign travel and, in most instances, return to France. Although new measures to control immigration proposed in 1986 could sharply restrict the right of some aliens to settle their families in France and would narrow the eligibility rules for those seeking French nationality, France has an extensive record of refugee aid and resettlement.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution guarantees the equality of all citizens before the law, without regard to origin, race, or religion. All French citizens of both sexes who have reached majority may vote. These provisions are fully respected in practice.

A wide variety of political parties compete freely in elections. In addition to national, presidential, and legislative elections, there are regularly scheduled local elections. For several years, the Government has been transferring selected powers from the executive branch to the locally elected assemblies. Many special interest groups--business, labor, veterans, consumer advocates, ecologists, and others--organize freely and regularly support candidates for elective office. While isolated incidents of racial, religious, or political discrimination occur, particularly against the large immigrant community, authorities consistently condemn such incidents. The Government passed a law in 1985 guaranteeing a vote on self-determination in the French Overseas Territory of New Caledonia before the end of 1987, and the current Prime Minister, during an August visit, promised a vote by the end of July 1987.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

France has traditionally been a leader in the human rights area. Human rights organizations, including Amnesty International and the International Federation for Human Rights, operate freely in France.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The authorities do not condone discrimination based on race, religion, sex, ethnic background, or political opinion.

FRANCE

Women have equal status under the law, but they remain engaged in continuing efforts to maintain and strengthen their rights. A Women's Bureau in the Ministry of Social Affairs and Employment is charged with promoting women's rights. The Government has taken steps to close loopholes in French legislation on sex discrimination in the workplace and to eliminate sexist advertising. In 1985 it passed legislation to ensure more equality in marriage rights. Generally speaking, women in France received 25.2 percent less pay than men for equivalent work in the private sector in 1985. In professional categories, women's salaries for equivalent work were 26 percent behind men's salaries. In unskilled production categories, women received 16.6 percent less pay, with an average of 19 percent less for semiskilled work.

The rights of linguistic and ethnic minorities are protected, whether in metropolitan France or in overseas territories subject to French authority. The right of immigrants legally admitted to France to coexist peacefully without assimilating completely into French culture is recognized. Legislation simplifying the expulsion of illegal immigrants and tightening immigration procedures has been passed. In New Caledonia, deep-rooted antagonisms between ethnic communities exist, leaving a potential for violence. Exceptional measures by the Government could be required to quell violence, if it were to erupt. Similarly, there is a potential for renewed violence in the overseas department of Guadeloupe.

CONDITIONS OF LABOR

With a few minor exceptions for those enrolled in recognized apprenticeship programs, children under the age of 16 may not be employed. Certain categories of work considered to be arduous and night work (10 p.m. to 5 a.m.) may not be performed by persons under the age of 18 or by women in manufacturing, mining, the public sector, unions, and nonprofit organizations, with the exception of women with managerial responsibilities. This prohibition does not apply to women in commercial establishments, entertainment, or the health sector where no manual work is involved.

France has a minimum wage of about $4 an hour. The standard workweek is 39 hours, and overtime is controlled. In general terms, French labor legislation and practice, including that pertaining to occupational safety and health, are fully compatible with those in other industrialized market economy countries. The minimum wage is somewhat less in the overseas departments, and not all social legislation applies in the overseas territories.

GERMAN DEMOCRATIC REPUBLIC

The German Democratic Republic (G.D.R.) was created in 1949 as a Communist state out of the Soviet occupation zone of Germany. There are still approximately 380,000 Soviet troops stationed on its soil. The country is ruled by the Communist Party, known as the Socialist Unity Party (SED), which closely resembles the Soviet model. Four other parties, whose existence is tolerated, have no real power or independence, and the SED leadership makes all important political, economic, and social decisions.

Despite such formidable barriers as the Berlin Wall, deep historical, cultural, linguistic, and family ties remain between the people of the German Democratic Republic and those of the Federal Republic of Germany. Concern that such ties and constant exposure to Western values could undermine support for the Communist system is a central reason for the Government's tight control over its population. For this purpose, the Government has an efficient and pervasive security apparatus administered by the Ministries of the Interior and State Security. Together, they employ approximately 300,000 people.

The G.D.R. has a centrally planned economy in which the bulk of industrial and agricultural property is state owned. Although holding private property is permitted, controls are placed on its acquisition, inheritance, and the income derived from it. Private businesses are few and tightly controlled.

The G.D.R. continues to restrict the fundamental freedoms of thought, speech, religion, assembly, and travel. A large secret police apparatus, which is supplemented by informers, opens mail, installs listening devices, places people under surveillance, subjects them to interrogation and intimidation, and arrests them without due process.

In 1986 the rate of emigration from the G.D.R. is expected to equal or slightly exceed the rate for 1985, which was the G.D.R.'s most liberal year for emigration with the exception of 1984, when 35,000 left in an unprecedented "emigration wave." In 1985 over 21,000 people left the G.D.R. with Government permission, most departing for the Federal Republic of Germany; however, it is estimated that another 300,000 to 500,000 wish to leave.

Since the beginning of 1986, the Government has allowed an unusually large number of G.D.R. citizens below retirement age to travel to the West on family matters. Although it has not formally relaxed its rigid restrictions and controls on travel, the Government is increasingly making exceptions to its own rules. In 1985 over 66,000 people from the G.D.R. were permitted such travel; it is estimated that the 1986 figure will be more than 200,000.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Incidents of concern in 1986 involved persons attempting to leave the German Democratic Republic illegally. A 1982 law codified confidential orders to border guards that they should shoot, if necessary, to prevent a person from leaving the

country without permission. A number of shooting incidents along the Berlin Wall in 1986 served as reminders that this law is still in force, despite some press reports to the contrary. In early September, border guards continued shooting at a G.D.R. automobile, which had attempted to cross through the Drewitz control point, even after the vehicle had been brought to a stop. The driver was then carried away, apparently lifeless. This was the first apparent killing of a would-be escapee since 1984. Similarly, a young man was shot and killed by border guards as he attempted to cross the Wall on November 24. Individuals and police in West Berlin have reported hearing shots during a number of other escape attempts in the past 4 months.

Unauthorized border crossings have decreased steadily since 1982 to a low of 160 for 1985. Although the Government has claimed to have removed some of the more lethal barriers along its borders, such as automatic shooting devices and minefields, it has increased the height of the border fence to 3 meters, set up 150 kilometers of dog runs, and begun expanding its system of barriers on the inner-German border to a depth of approximately 20 kilometers. Any who attempt escape still risk death. No exact figure for the number of unsuccessful escape attempts, and resulting deaths, can be given since border guards from the Federal Republic of Germany are not necessarily aware of all incidents.

b. Disappearance

There were no reports of permanent disappearance.

c. Torture, and Cruel, Inhuman, or Degrading Treatment or Punishment

Specific laws state that life, health, and the ability to work of arrestees and prisoners must not be jeopardized. However, citizens who fled the country in 1986 have reported cruel treatment by prison officials, including the beating and hanging of prisoners by their hands for periods of several hours. In addition, former prisoners and detainees have reported excessively harsh conditions and psychological strain in G.D.R. prisons.

In a special resolution in September 1986, the Council of Europe denounced prison conditions in the G.D.R. and called upon the Government to uphold the principles of the United Nations International Covenant on Civil and Political Rights which it ratified in 1973. The Council of Europe criticized such practices as denial of sleep, threats of repression against family members, unhealthful conditions during forced labor, inadequate food and medical care, and the placing of prisoners in overcrowded cells. The Council of Europe also claimed that female prisoners are often separated from their infants born in prison. There have also been reports of prisoners subjected to extended periods of solitary confinement. According to newspaper accounts, former border guard Bodo Strelow has been in solitary confinement for the past 6 years as punishment for a failed escape. Mr. Strelow was sentenced to life-long imprisonment despite injuries suffered during the escape attempt which resulted in the loss of an eye and his hearing.

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GERMAN DEMOCRATIC REPUBLIC

d. Arbitrary Arrest, Detention, or Exile

The police have blanket authority to detain and interrogate G.D.R. citizens on suspicion alone. G.D.R. citizens who become particularly active in officially disapproved ways are sometimes subject to repeated harassment, such as regular police interrogations, despite the absence of formal charges. They may be arrested with or without warrants and merely for expressing dissenting views. When held in detention, a person does not have the right to a judicial determination of continued detention.

Although the criminal procedure code sets a limit of 3 months on investigatory proceedings, prosecuting authorities appear to have no difficulty in extending this period. In most political cases it takes longer than 24 hours--often many weeks--before interested parties are notified of the arrest. Furthermore, the code does not specify a maximum time period which may elapse before a detained person may see a lawyer. Although the code guarantees access to a defense attorney, the prosecutor may monitor or restrict contacts between the defense attorney and his client as he sees fit.

Charges filed in clearly political cases are often based on laws which are written in vague and general language. The penal code provides, for instance, that the transmission of information "detrimental to the interests of the German Democratic Republic," even if it is not secret, may be considered treason. Laws against "anti-State agitation" and "asocial behavior (parasitism)" are often applied selectively against citizens who become politically active. Their broad and vague wording severely restricts the possibility for defense. Amnesty International states that it has yet to learn of an acquittal when a prisoner has been brought to trial under these laws.

Forced labor as a means of political coercion or education is not practiced in the G.D.R.

e. Denial of Fair Public Trial

In cases involving security and political issues, judges may bar individuals or groups from "open trials." Prisoners are allowed to choose a lawyer from a list of those available in their area. However, all attorneys are state employees, and only a handful are willing to take on political cases. Until investigatory proceedings are completed, prisoners may see their lawyers only in the presence of the police and may discuss only matters not relating to the case. Discussion of a case itself usually takes place in a brief interview shortly before a trial. Attorneys are not allowed to make photocopies or tape recordings of their clients' files; files may be reviewed only in court, and notes must be taken in longhand.

Trials tend to be short and perfunctory. Constitutionally, the courts are under the control of the Council of State; in reality, they are controlled by the SED, which appoints the judges. Military courts try civilians only in military espionage cases.

The Government does not admit to having political prisoners, nor does it publish statistics which would assist in determining the number of political prisoners held. However, in early December in Bonn, the Minister for Inner-German Relations announced that his Ministry had bought freedom for

some 2,500 political prisoners from the G.D.R. At the same time, the Salzgitter center in the Federal Republic of Germany, which monitors G.D.R. human rights abuses, has registered 24,716 prosecutions for political offenses in the German Democratic Republic over the past 25 years. Such prosecutions generally result in a prison sentence of 18 to 24 months. Most observers agree that approximately half of all political prisoners are in jail because of efforts to emigrate.

The West German-based International Society for Human Rights estimates that there are 6,000 political prisoners, while Helsinki Watch reports estimates of political prisoners that range from 7,000 to 10,000. Sources at the Permanent Representation of the Federal Republic of Germany in East Berlin and Radio Free Europe have stated publicly that "over 1,000" people in the G.D.R. are presently imprisoned for their desire to emigrate. In a discussion in December with the press, the Minister for Inner-German Relations in Bonn estimated that there are at present approximately 2,000 political prisoners in the German Democratic Republic, 1,025 of whom are known by name to his Ministry.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

By law, the police need authorization to enter and search a house. But they may authorize entry themselves, and the courts will retroactively give approval. It is routine and legal for the state security organs to tap telephones and open mail, solely on their own authority. Evidence thus obtained can be used in court. The Government has instilled a widespread belief that state security informants are ubiquitous and discovery of opposition to the State is certain.

All printed materials require an official permit. Only magazines and newspapers bearing a postal license may be legally imported and distributed. West German television can be viewed by 80 percent of the G.D.R. populace, and Western radio broadcasts can be heard throughout the country. The Government does not attempt to jam or otherwise hinder these broadcasts.

Young people are not forced to join the SED's youth movement, the Free German Youth, but school and government authorities make it clear that failure to join this group will limit educational and job opportunities. Helsinki Watch reports that 15- and 16-year-olds must attend a 2-week paramilitary training camp where they learn such skills as using weapons and throwing grenades.

G.D.R. citizens must obtain government permission to marry foreigners. The Government appears to be following faithfully the letter of an October 1983 law which specifies that authorities should decide on applications for binational marriage within 6 months of submission of the application. Assembling documents for submission can be time-consuming, however.

G.D.R. citizens in positions deemed "sensitive" by the Government may not be visited by or even maintain contacts with close relatives who live in the West.

GERMAN DEMOCRATIC REPUBLIC

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech is severely circumscribed. Unauthorized public expressions of dissent are often punished with prison sentences. According to church sources, in 1986 an electrician in Jena was sentenced to 2 years' imprisonment for painting a slogan criticizing the G.D.R.'s elections on a house facade. Also in Jena, another citizen was sentenced to 8 months' imprisonment for pasting an unauthorized collage made of G.D.R. newspaper cuttings on his apartment door. Other young citizens in Jena were fined for taking part in an unauthorized "open-air breakfast." Jena authorities are known to be particularly intolerant since their city was a center of dissent in the late 1970's and early 1980's.

The authorities also seek to control the opinions citizens express while abroad. They recently refused permission to author Lutz Rathenow to visit the United States at the invitation of the University of Texas. In a letter to Mr. Rathenow, the Ministry of Culture justified its decision by stating that only cultural figures who will present a positive image of the country will be allowed to travel abroad.

The Government controls and censors all media and licenses all publications before their distribution. Helsinki Watch reported that in 1986 even church newspapers, usually subject to less censorship, were delayed or withdrawn from publication for trying to publish material on such issues as the independent peace movement and state environmental policies.

Western newspapers and magazines, other than politically acceptable publications such as those of Western Communist parties, are unavailable to the general public. Small quantities of Western journals are for sale for hard currency in international hotels upon request. Some libraries, university departments, and official institutes also receive Western journals, but circulation is highly restricted. G.D.R. and Western travelers may be interrogated or arrested simply for possessing unlicensed printed material. Contact with Western journalists is severely limited by law; for the average citizen, such contact is illegal.

The SED conceives of art and literature as a means of promoting political goals. Works are judged on the basis of their conformity to "socialist realism," i.e., whether they convey a clear, optimistic view of Communist society and goals. Contrary views or perceptions are discouraged or censored. Professional associations for writers and artists are headed by party members and controlled by the State. Dissidents and critics have been expelled and deprived of important professional privileges. Publishing houses practice self-censorship, and works must receive official clearance before they are published, performed, or exhibited. Some works are banned completely; others may be published only outside the country under contracts negotiated by the state-run agencies; others are permitted to be published, performed, or exhibited in the German Democratic Republic only in edited form. Cultural figures continue to emigrate to the Federal Republic of Germany to escape these government restrictions.

Individual academic freedom is severely limited and even formally restricted by law. The State views education as an

instrument for "building socialism." All areas of academic inquiry are strictly controlled. Teachers who allow open classroom discussion of unapproved themes or topics or who deviate from the party line are disciplined. Many books are prohibited totally; others are permitted only in university libraries to which only carefully screened and authorized personnel are allowed access.

b. Freedom of Peaceful Assembly and Association

The formation of private organizations or clubs also requires state permission. Although the Constitution provides for freedom of assembly, only the Christian churches have maintained the ability to organize meetings without prior state approval, although even they exercise self-censorship to avoid unduly antagonizing the State.

Workers do not have the right to establish and join unions of their own choosing. The Free German Trade Union is an appendage of the SED. It is made up of 16 unions covering all workers and professionals. Its role is to enforce and promote official government and party policies rather than to promote members' interests which might conflict with those policies.

The right to strike does not exist; however, there are occasional reports of wildcat strikes. One such strike reportedly occurred in Karl-Marx-Stadt district in September. The workers' objective was the partial payment of wages in hard currency, which is increasingly necessary to obtain not only luxury goods but also many basic amenities. Reportedly, the workers were not punished for their illegal strike, as they had not "agitated against the Socialist State."

c. Freedom of Religion

The Constitution guarantees freedom of religious belief and worship, but the State officially promotes atheism. In practice, the State tolerates, although it does not encourage, religious activity. Overt adherence to religious beliefs may result in disqualification for preferred jobs and educational opportunities, although the largest religious community, the mainly Lutheran Evangelical Church, has had some success in pleading the cases of its members who have suffered such discrimination.

Clergy and lay members of Western churches have been permitted to attend church synods and conferences at a national ecumenical level, and some religious leaders have been allowed to attend similar meetings in the West. The authorities prohibit official relations between congregations in the German Democratic Republic and Federal Republic of Germany, and they often do not permit personal visits by West German clergy when they suspect church business will be discussed.

The churches remain under continuing government pressure to watch their words and deeds, and the secret police continue to monitor church-sponsored events closely. Nevertheless, the Evangelical Church remains the only institutional forum where divergent opinions can be expressed with relative freedom.

New churches continue to be built in limited numbers with government approval. The Government has demonstrated some flexibility in its treatment of minority religions. However, it recently reaffirmed a ban on organized activities by Christian Scientists and Jehovah's Witnesses.

GERMAN DEMOCRATIC REPUBLIC

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

Most citizens can travel freely within the country, except near borders or military installations. They are not allowed to change their place of residence without government permission. All citizens must carry identification cards which the police have the right to check at will. Because of their criminal or political activities, including the filing of emigration applications, approximately 60,000 citizens carry a special identification card called PM-12, which in many but not all cases restricts domestic as well as foreign travel.

Foreign travel is tightly controlled. Exit visas are required for travel to other Communist countries except Czechoslovakia, and travel to Poland is restricted.

In general, travel to non-Communist countries is not allowed until citizens reach retirement age (60 for women, 65 for men). On a case by case basis, the Government also permits its citizens below retirement age to travel to the West, chiefly the Federal Republic of Germany, on urgent family matters, narrowly defined as births, deaths, marriages, and significant birthdays and anniversaries for first-degree relatives (spouses, children, siblings).

Since the beginning of 1986, the Government has experimented with easing these travel restrictions. Although the regulations have not formally changed, the authorities are increasingly making exceptions to their own rules. Over 200,000 citizens travelled to the Federal Republic in 1986, compared with 66,000 for all of 1985. Of these, less than 1 percent have not returned to the G.D.R.

The Inner-German Ministry in Bonn reported in mid-December that more than 24,000 G.D.R. citizens moved to the Federal Republic during the first 11 months of 1986. That figure compares favorably with the 21,428 who emigrated in 1985, the G.D.R.'s second most liberal year for emigration, but is considerably less than the 35,407 who left the G.D.R. in 1984. Nonetheless, only a fraction of those wishing to leave have been allowed to do so.

A law effective October 15, 1983 narrowly restricts cases of family reunification to first-degree relatives (parents or children) and spouses. Though some citizens other than those with first-degree relatives have been allowed to leave, the narrow definition of eligibility for emigration has created difficulties for the large majority of applicants. Many successful applicants wait from 1 to 5 years for permission to leave, often in the meantime suffering loss of employment and even imprisonment.

Those who left the country illegally before January 1, 1981 are eligible to apply for permission to visit, but reportedly only half of those who have applied have obtained visas. Those who fled after 1980 face criminal prosecution if they return. Those who emigrate legally must generally wait 5 years before they are permitted to return again.

GERMAN DEMOCRATIC REPUBLIC

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Government is completely dominated by the Socialist Unity Party. Although four other parties are represented in the Government, they are not permitted to challenge Communist doctrine or control. All decisions are made by the SED leadership; lower-level representatives are expected only to approve and to carry out these decisions. The unicameral legislature, the Volkskammer (People's Chamber), never rejects government proposals. The SED also determines who will fill executive positions in the Government and ensures that its members fill a majority of the positions.

All parties and mass organizations (such as trade unions) are represented in the National Front, which is controlled by the SED. For election purposes, the National Front prepares lists of approved candidates according to a formula which ensures the SED's complete domination. The list of candidates on a ballot exceeds the number of available seats, and a candidate high on the list may be rejected if more than 50 percent of voters cross his name off the ballot. In such a case, a candidate lower on the list may be elected. This is last known to have happened in a provincial election over 20 years ago.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Although the German Democratic Republic is a signatory of the Final Act of the Conference on Security and Cooperation in Europe, it has generally taken the position that inquiries into its human rights policies constitute interference in its internal affairs. Requests by private human rights groups in the West for information on human rights conditions go unanswered, and the Government does not permit visits by such groups. Unofficial human rights groups are formed from time to time, but their members face immediate surveillance and harassment by the secret police, as well as arrest if their activities are deemed threatening to the Government. These groups occasionally receive the attention of the West German press, but their influence inside the G.D.R. is negligible. Total membership in such unofficial human rights groups is probably not higher than 100 to 200. The government-sponsored Committee for the Protection of Human Rights does not attempt to safeguard the human rights of G.D.R. citizens but criticizes human rights conditions in other countries while claiming there are no problems in the G.D.R.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

An extensive social welfare system provides free medical care to the population without discrimination. Men and women are treated equally in most respects. The retirement age for women is 60, for men 65. As one of the many incentives to increase the birth rate, women are given extensive maternity leave with pay. Eighty-seven percent of women of working age are employed, and a comprehensive child care system exists for working parents. Women are given 1 day a month off to do household shopping, as are single or divorced fathers with custody of children. Women can be found in all professions except the military, from which they are exempt except in times of war. There are few women in high positions in the

party and Government and in most professions, although they are well represented in the medical profession.

CONDITIONS OF LABOR

The German Democratic Republic has a highly industrialized, centrally planned economy. All large industrial, retail, and agricultural properties are state owned, but small private businesses with fewer than 10 employees are permitted. Over 90 percent of the farmland are collectivized or state owned, and only 2 percent of the labor force are still privately employed.

The average workweek remains 43-1/2 hours, and a 2-day weekend is common. Shift work has become increasingly common. An average worker earns about $560 per month, with the lowest paid workers receiving between $305-405 per month at the official exchange rate. Minimum paid holidays total 18 workdays a year, and certain persons, such as mothers with small children, have the right to additional days of paid holidays.

Working conditions, especially in mining and industry, are often difficult. The Government has, however, had some success in reducing the relatively high rate of accidents in the workplace.

Children may work part-time during vacations and to further their education from age 14 onwards, and full-time with permission of their parents between ages 14 and 18. Children under the age of 18 may not work between 6 p.m. and 6 a.m.

FEDERAL REPUBLIC OF GERMANY

The Federal Republic of Germany (F.R.G.) is a vigorous and modern parliamentary democracy. The population is well educated, and its highly industrialized economy provides one of the highest standards of living in the world. The Government scrupulously protects human rights. It does not subordinate women or any other social group.

On the national level, power is divided among executive, legislative, and judicial branches. There is also division of governmental authority between national and state governments. The latter retain significant autonomy, especially in matters relating to law enforcement and the courts, culture and education, the environment, and social assistance. The head of the Federal Government, the Chancellor, is elected by the Bundestag, the lower house of Parliament. The powers of the Chancellor and of the Parliament, which are substantial, are set down in the Basic Law, the F.R.G.'s constitution, which was adopted in 1949. The Bundestag is elected through a mixture of direct constituency candidates and party lists. Members of the second house of Parliament, or Bundesrat, are appointed by the state governments.

The Federal Republic has been ruled since its creation by governments headed by one of the two major parties, the Christian Democratic Union (CDU) or the Social Democratic Party (SPD), usually in coalition with a third party, the Free Democratic Party (FDP). The current Government, which was returned to office in the January 25 national elections, is led by a coalition of the CDU, joined by its Bavarian sister party, the Christian Social Union (CSU), and the Free Democratic Party (FDP). The SPD is the leading opposition party. A second opposition party, the Greens, has been present in the Bundestag since the election of March 1983.

Organized essentially at the state (Land) level and operating under the direction of state governments, the police are well trained, disciplined, and scrupulously respectful of citizens' rights. In dealing with hostile elements, including terrorists, special care is taken to respect the rights of the accused.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Politically motivated killing by the Government or by legal political organizations is unknown. Terrorist groups on the far left (the Red Army Faction, or RAF) and the far right (neo-Nazi groups) and Middle East terrorists continue to sanction or engage in political violence, particularly bombing. There were several politically motivated attacks resulting in deaths during 1986, including the Libyan terrorist bombing of the West Berlin discotheque "La Belle" on April 5, resulting in 3 dead and 191 injured; the RAF bombing attack against Siemens manager Karl Heinz Beckurts and his driver in Munich on July 9, killing both individuals; the car bomb attack against the Federal Office for the Protection of the Constitution in Cologne on September 8, resulting in one injury; and the RAF murder of senior German diplomat Gerold von Braunmuehl on October 10 in Bonn.

FEDERAL REPUBLIC OF GERMANY

b. Disappearance

Governmental or police authorities do not abduct, secretly arrest, or otherwise illegally detain persons. There have been no kidnapings by political terrorist groups for several years.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Police authorities do not physically or mentally torture prisoners, nor do they engage in cruel, inhuman, or degrading treatment short of torture. Prison conditions are adequate. In its 1986 Report (covering 1985), Amnesty International expressed concern about instances in which convicted terrorists have been placed under special restrictions in prison.

d. Arbitrary Arrest, Detention, or Exile

No person may be arrested in the Federal Republic except on the basis of an arrest warrant issued by a competent judicial authority. Any person detained by the police must be brought before a judge and charged no later than the end of the day following the day of apprehension. There is no preventive detention except that a prisoner may be held in custody no longer than 24 hours while awaiting a formal charge if there is evidence that he might seek to flee the country to avoid prosecution. The right of free access to legal counsel has been restricted only in the cases of some terrorists who are thought to have used contacts with lawyers to promote and continue terrorist activity even while in prison.

In its 1986 Report, Amnesty International expressed concern over the length of pretrial detention spent in isolation by persons detained on suspicion of terrorism. Only judges may decide on the admissibility or continuation of any deprivation of liberty. Bail bond exists in the Federal Republic but is seldom employed. There is no exile.

There is no forced or compulsory labor.

e. Denial of Fair Public Trial

Trials are public. The Basic Law assures due process and prohibits double jeopardy. The judiciary is free of both government interference and intimidation by terrorists. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The sanctity of the home is guaranteed by the Basic Law and fully respected in practice. Prior to forcible entry by police into a home, a warrant must be issued by a judge or, in an emergency, by a public prosecutor. Electronic surveillance or monitoring of mail may be undertaken only after authorization by a court order.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The provisions of the Basic Law regarding an independent press, an effective judiciary, and a functioning democratic

political system combine to ensure freedom of speech and press. Criticism of the government is unrestricted. The media and artistic works are not censored. Academic freedom is complete. There is no censorship of foreign or domestic books.

Newspapers and magazines are privately owned. Radio and television networks and stations are government owned but governed by independent boards made up of representatives of churches, political parties, and other organizations. A few privately owned radio stations, experimental private television cable stations, and local television cable networks have been set up. Legislation is under consideration in some German states to facilitate and encourage private television stations using cable, satellites, and other "new" media.

b. Freedom of Peaceful Assembly and Association

The rights of assembly and association are guaranteed by the Basic Law and fully respected, as is the right to demonstrate. Organizers of street demonstrations are required to obtain police permits beforehand and may be asked to pay a deposit to cover the repair of any damage to public facilities. When demonstrators have not obtained the required permits, police have exercised considerable restraint, showing concern ultimately only for the continued functioning of public facilities and for the safety of the general public.

Membership in nongovernmental organizations of all types, including political parties, is entirely open. Parties found to be "fundamentally antidemocratic" can be outlawed. Under this constitutionally based provision, the Federal Constitutional Court in the 1950's declared both a neo-Nazi and a Communist party to be illegal.

The right to organize, strike, and bargain collectively is recognized and exercised freely in the Federal Republic. The country has a long-established and highly organized labor movement, with about 34 percent of the eligible work force unionized. The German Trade Union Federation represents over 80 percent of organized workers. Reborn in the wake of World War II, the unions are particularly conscious of their historic role as the protector of workers' rights and a bulwark of the democratic system. They actively participate in the International Labor Organization (ILO) and in international and European trade union organizations.

In regard to the practice of excluding political extremists from employment in the civil service, there is an outstanding complaint lodged with the ILO by the World Federation of Trade Unions, claiming that the Federal Republic's practice violates ILO Convention 111. An ILO-appointed Commission of Inquiry is conducting an investigation. A final report is expected in February 1987. The F.R.G. practice is based on the special oath of allegiance of civil servants actively to defend the State, its institutions, and laws and stems from a 1972 joint resolution by the Federal and state governments. A suit on this issue brought before the European Court of Human Rights was decided in favor of the Federal Republic in August 1986.

c. Freedom of Religion

The full practice of religion is allowed. Major religious groups benefit from a state-administered church tax system. The Government subsidizes church-affiliated schools. Personal

religious affiliation today plays an insignificant role in politics and in other walks of life. Members of all religions can be found in all political parties.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

German citizens are free to move anywhere within the country and to leave and return at any time. Germans who arrive in the Federal Republic from the German Democratic Republic (G.D.R.) are treated as German citizens and therefore may take up residence without restrictions. In 1986 the number of G.D.R. citizens arriving in the Federal Republic was about 25,000.

The right of asylum is guaranteed by the Basic Law and respected in practice. Once formally granted asylum status and to a lesser extent while being processed, asylees have essentially the same access to social welfare benefits as F.R.G. citizens. Short of the right to vote, they also enjoy complete civil rights.

In 1979-80 and again in 1986, the number of asylum seekers has threatened to overwhelm the capacity of the F.R.G. to process and adjudicate requests. As a result of the explosion in numbers of applications, the Government will reportedly enact a number of "peripheral measures" designed to speed up processing of requests by those with well-founded claims and to make emigration to the Federal Republic less attractive for so-called "economic refugees", fully 80 percent of all who apply. Denial of political asylum does not automatically result in deportation. Eighty percent of those whose petitions are denied are typically allowed to remain in the country for other, humanitarian reasons. Persons from East European countries are normally allowed to remain whether or not they officially receive asylum.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Under the stable and liberal parliamentary democracy established by the Basic Law, the Federal Republic is ruled by a government chosen by the people through orderly elections based on universal suffrage. Up to 90 percent of voters normally participate in national elections, although local contests attract significantly lower participation. Candidates for public office are usually members of political parties but are not required to be. The Basic Law and the state constitutions contain provisions that only parties achieving at least 5 percent of the vote can be represented in the Federal and state parliaments. New political parties are free to form and enter the political process, as evidenced by the rise of the Green Party in the early 1980's. Although party discipline plays an important role, voting on issues in the Bundestag is ultimately a matter of individual decision.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The International Society for Human Rights, Amnesty International, and other human rights organizations operate freely. The Government considers the international promotion of human rights one of its highest priorities.

FEDERAL REPUBLIC OF GERMANY

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There is no discrimination in the extent to which shelter, health care, and education are available to all inhabitants, regardless of race, religion, sex, ethnic background, political opinion, or citizenship. The social welfare system is of long standing and provides generous benefits. The budgetary austerity of the past few years has resulted in some marginal reduction of basic social welfare benefits, which include old age and disability pensions, unemployment compensation, and medical care.

Since the passage of an equal employment rights law in 1982, women are guaranteed equal employment in the workplace. They play significant roles in all political parties and are increasingly rising to management and leadership positions in the private and public sectors. In organized labor, about 20 percent of union members are women, and a woman has served as president of the second largest trade union since 1982.

Most women do not work outside the home. The rate of participation of women in the labor force, about 38 percent, is below the average in the European Economic Community, and most working women are employed in traditional fields. Moreover, protective legislation bars women from working in certain heavy industrial occupations and also generally bans night work. Young women experience difficulties in gaining access to training in some traditionally male fields. Recent court rulings and government pilot programs, however, have helped break down some attitudinal and institutional barriers.

Treatment of foreigners has become a much-discussed social question. Around 4.4 million foreigners live in the Federal Republic. Of these, 1.4 million are Turkish citizens, and 1.1 million are citizens of European Community countries. Over 1 million are under the age of 16 years.

Due to increased unemployment, the Government has pursued a three-pronged policy with regard to foreign workers: integration of longtime residents, limitation of further entries, and repatriation aid for those willing to return to their home countries. A 9-month special program of repatriation aid to unemployed foreign workers, in the form of repatriation bonuses and reimbursement of social security contributions, stimulated the departure of about 300,000 persons, both workers and family members. A national debate has been under way over whether the rights of guest workers should be broadened to permit unlimited residence and the right to vote or be reduced by limiting the right of entry for dependent children.

CONDITIONS OF LABOR

Federal law generally prohibits the employment of children under age 15 with a few specific exceptions. Children aged 13 and 14 may engage in farm work for up to 3 hours per day or may deliver newspapers for up to 2 hours per day. Children aged 3 through 14 may take part in cultural performances under stringent conditions with regard to number of hours, time of day, and form of activity. In the absence of minimum wage legislation, wages generally conform to the pattern set in collective bargaining. Federal legislation governs the hours of day young persons may work and sets occupational safety and health standards.

GREECE

Greece is a republic with a democratically elected Parliament. The party or coalition of parties with a parliamentary majority names the Prime Minister and forms the Government. Several political parties vigorously and freely contest periodic parliamentary and municipal elections, the most recent of which were municipal elections in October 1986. The President of the Republic, who serves as Head of State, is elected by Parliament.

The judiciary is independent of both the executive branch of government and Parliament and operates within a civil law framework with precedents from Roman law and French and German sources. Police practices respect detainees' rights.

A member of the European Economic Community, Greece is classified as a developed country by United Nations standards. It has a tradition of state intervention in the economy and currently faces serious economic problems which are intensified by a bloated public sector.

The full range of universally acknowledged human rights is guaranteed by the Constitution, which includes many of the provisions of the United Nations Universal Declaration of Human Rights. Greece ratified the European Convention on Human Rights in 1974, and in 1985 it recognized for a period of 3 years the competence of the European Commission on Human Rights to accept petitions from individual Greeks who wish to appeal human rights cases.

The Government, many of whose members suffered abuses during the period of rule by a military junta (1967-74), is sensitive to the protection of individual freedoms. Most allegations of abuse fall in the area of religious expression, which, however, is guaranteed within certain limits by the Constitution.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There are no reports of politically motivated killing by government forces. The physical security of the individual is generally assured in Greece. Nevertheless, politically motivated terrorist acts have claimed a number of lives in recent years. In April 1986, the domestic terrorist group "November 17," whose earlier victims included U.S. and Greek officials, claimed responsibility for the assassination of Greek industrialist Dimitrios Angelopoulos. On June 9, Khalid Ahmed Nazal, a high-ranking member of the Democratic Front for the Liberation of Palestine, was killed by a gunman whose political affiliation is unknown.

b. Disappearance

There were no reports of abduction, secret arrest, or clandestine detention.

GREECE

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Freedom from torture is guaranteed by the Constitution and respected in practice. Since 1984, Greece has had legislation making the use of torture an offense punishable by sentences ranging from 3 years to life imprisonment. There were no reports of torture.

Prison and detention facilities provide adequate health care and diet. No distinction according to social class, race, sex, religion, or type of conviction is made in the treatment of prisoners. Cases requiring medical treatment receive special attention. Once sentenced, prisoners may be visited by family members 3 times per week.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest or imprisonment is guaranteed by the Constitution, and this provision is respected in practice.

Preventive detention does not exist in Greece. A person arrested on a warrant or while committing a crime must be brought before an examining magistrate within 24 hours and charged. This magistrate must issue a warrant of imprisonment or order the release of the detainee within 3 days of the examination unless special circumstances require a 2-day extension of this time limit.

The Constitution further states that the maximum duration of detention pending trial may not exceed a period of 1 year in the case of felonies or 6 months in the case of misdemeanors. A decision of a judicial council is required to extend these maximum durations (by 6 or 3 months, respectively) in exceptional cases. In practice, trials generally take place within 4 months of the submission of charges.

Persons who have been arrested may petition a judicial council for release pending trial. The council is required by law to consider petitions within 5 days, but the limit is sometimes exceeded in practice. Release is granted only in special circumstances, e.g., for reasons of ill health, the standing of the individual in the community, or when it is unlikely that the individual will become a fugitive. The council may also impose other conditions, such as posting of a bond.

Exile as a judicial remedy or government practice does not occur in Greece.

The Constitution expressly prohibits forced labor, and no violations are known to have occurred in practice.

e. Denial of Fair Public Trial

Fair and public trials are guaranteed by the Constitution and provided in practice. Defense lawyers are available to all accused. Court sessions are public unless, as provided in the Constitution, the court decides that privacy is required for the protection of victims, when juveniles or morals offenses are involved, or in matters of national security. The latter provision is not abused. A legal provision permits a closed hearing for the sensitive portion of cases dealing with public order. In such instances the court must publicly pronounce its "reasoned decision" on the matters heard privately. A defendant may appeal a court verdict to an appeals court.

GREECE

Military courts have no jurisdiction over civilians. A 1983 case involving the trial and sentencing of a U.S. serviceman, which did not meet standards of due process set forth in the applicable Status of Forces Agreement, is still under review by Greek authorities.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The inviolability of the home as well as of an individual's personal and family life is guaranteed by the Constitution. No house search may be made except in conformance with specified legal standards and always in the presence of representatives of the judiciary. Warrants, issued by a district attorney (who is considered a judicial officer in Greece), are required for an official to enter a private home. These constitutional guarantees are respected in practice. A constitutional provision requires punishment and "liability for full damages to the sufferer" for violations of the sanctity of the home and for the abuse of power. The Constitution further guarantees privacy of correspondence and communication. No government abuses were reported in 1986, and private infractions were prosecuted by the Government.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech is guaranteed by the Constitution and respected in practice.

The Constitution guarantees freedom of the press and prohibits censorship. Opposition viewpoints are constantly presented in the active Greek press, and criticism of the Government is unhampered. Greece's television and radio stations are government owned and operated. The political opposition (both conservative and Communist) asserts that news and information programing reflects the political perspective of the governing party while its own views are neglected. The government response is that television is more open to the opposition than it was under the previous conservative government. During national elections, television time is given to all major political parties according to their electoral strength.

The Constitution allows for seizure, by order of the public prosecutor, of publications which insult the President, offend religious beliefs, contain obscene articles, advocate a violent overthrow of the political system, or disclose military and defense information. No periodicals or newspapers are known to have been seized in 1986. Greece has strict libel laws. Violations of these laws are prosecuted under established legal procedures with the safeguards of due process.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is guaranteed by the Constitution. Limits may be imposed on outdoor public meetings, however, if police authorities determine that a serious disturbance of social and economic life is threatened. A few demonstrations by small extremist groups were prohibited in 1986 following such determinations.

The right of association is guaranteed by the Constitution and observed in practice. Workers and employers are free to

establish and join organizations of their own choosing without previous authorization, to draw up their own constitutions and rules, elect their representatives, and formulate their programs. They are also free to join in confederations and affiliate with international organizations. In 1985 an estimated 35 percent of Greek wage and salary earners were organized in unions. Both employer and trade union organizations maintain relations with the International Labor Organization. Trade union and employer organizations are protected against dissolution by administrative authority.

The right to strike is guaranteed by the Constitution and by statute to both public and private sector workers. Exceptions are made for judiciary functionaries and those serving in the security services, who are prohibited from striking. Other employees of the State or public corporations, whose operation is of vital importance in serving the needs of the society, may strike only after 4 days' prior notice to their employer, the relevant ministry, and the Ministry of Labor. Striking trade unions in such categories are required to supply the necessary staff to meet the essential requirements of the population during the strike. In 1984 the Government established procedures which place greater restrictions on the rights of public sector unions to strike. Although these restrictions are still criticized in some quarters, they have neither been enforced nor challenged in the courts. Civil mobilization legislation, which allows the Government to mobilize striking public sector workers it considers vital to the economy, has been questioned on constitutional grounds. The civil mobilization and ultimate dismissals of Olympic Airways flight personnel in 1986 for violating the law brought some international protests, but the courts upheld the Government's enforcement of the law.

The main political parties in Greece maintain trade union affiliates, and most Greek trade unionists belong to or support one of those affiliates. In general, the trade union affiliates follow the guidance of their respective political parties. The Confederation of Greek Workers (GSEE) is currently controlled by PASKE (the governing Socialist Party's labor arm). Opposition labor factions boycotted or walked out of the GSEE congress in April 1986 and have charged--both domestically and in international forums--that the present administration is illegal. This charge has not been sustained by the courts.

All Greek wage earners by law contribute 0.25 percent of their basic wage to a Ministry of Labor organ known as the Workers' Hearth. Employers make a matching contribution. The Workers' Hearth uses this fund to finance trade union activities, apportioning funds to the unions in accordance with membership figures. The Minister of Labor has discretionary control over 8 percent of these funds.

c. Freedom of Religion

The Constitution guarantees freedom of religion and prohibits discriminatory practices against religious minorities, which in Greece include small communities of Muslims, Jews, and non-Orthodox Christians.

The Constitution, nevertheless, establishes the Eastern Orthodox Church of Christ as the "prevailing" religion of Greece. In addition, it prohibits proselytizing by any religious group and bars exemptions for individuals from

discharging their duties to the State (i.e., military service) by reason of their religious convictions. As a result of these provisions, certain non-Orthodox religious groups, particularly evangelical sects, have encountered significant difficulties of a legal or administrative nature.

In the past, the constitutional prohibition on proselytizing led primarily to the prosecution of Jehovah's Witnesses, although other non-Orthodox religious groups were also affected. The courts have recently held, however, that simple distribution of literature does not constitute "proselytizing," thereby sharply reducing the number of arrests. In May 1986, an appeals court overturned the December 1984 sentences of three Protestant missionaries convicted of proselytizing and causing involuntary abandonment of home by a minor. In December 1986, the courts also convicted two local religious leaders who had attempted to prevent the distribution of religious materials by Jehovah's Witnesses.

Non-Orthodox religious groups have experienced difficulties as well in obtaining permits for the construction of places of worship. A building permit must be obtained from the Ministry of Education and Religion, which, in turn, must consider the opinion of the Eastern Orthodox hierarchy. In the past, some evangelical religious groups have been denied such permits. These groups have then unsuccessfully appealed the Government's decision in the courts.

The Constitution includes the provision that "no person shall be exempt from discharging his obligations to the State or may refuse to comply with the laws by reason of his religious convictions." Those persons most affected have been Jehovah's Witnesses who refuse on religious grounds to fulfill their military service obligation. In deference to them, the Government in 1979 modified the compulsory military service law to provide for alternative, noncombatant military service. Those refusing this alternative are tried by military courts and sentenced to military prison for a period twice that of normal service. Currently, a portion of this sentence may be served in a civilian minimum security prison (frequently agricultural) where each day served is credited as 2 days toward fulfillment of the sentence. Referring to an unpublished report, a Foreign Ministry spokesman said that between 1973 and September 1985, 776 Jehovah's Witnesses were prosecuted for refusing to fulfill their military obligation; Amnesty International reports that in 1985 some 283 of these were in prison.

The Muslim minority of approximately 120,000, made up largely of ethnic Turks but also including Pomaks and some Gypsies, is principally located in Thrace in northeastern Greece. There are over 250 mosques in Greece. Citing a 1920 law, Muslims have disagreed with the manner of appointment in December 1985 of a new religious leader (mufti) in one of the Muslim communities in Thrace. Greek authorities contend that this law has long been invalid and that all Muslim religious leaders, including the new mufti, have always been selected according to a method dating back to 1923, the date of the Treaty of Lausanne between Turkey and the Allied Powers. Under this system, the Government consults with Muslim leaders and then appoints the mufti from a list of qualified candidates.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution guarantees freedom of movement within the country, foreign travel, and emigration. This right is generally respected in practice. Persons intending to emigrate and those returning to Greece experience no discrimination. The Greek citizenship code authorizes expatriation of a citizen who is residing abroad with no intention of returning to Greece. Some Greek Muslims have alleged that their Greek citizenship was revoked while they were staying in Turkey. The Government states that the provision has been used very sparingly, and only after it has been determined that the citizen in question has severed material ties with Greece and established a permanent residence elsewhere.

Some Greek Muslims have complained that they are issued passports valid only for 1 year instead of the normal 5-year period. Greek authorities state that this was the practice for a 6-month period, from January to June 1986, in an effort to control abuses by Greek citizens who stay abroad beyond the validity date of their regular passports and return without renewing their passport abroad at a Greek embassy or consulate as they should. According to Greek officials, the practice proved impractical and was discontinued.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Greece is a multiparty democracy in which all citizens enjoy full political rights, without regard to race, sex, religion, or political persuasion. Greek citizens freely choose the officials governing them. The opposition parties function freely, have access to the media, and hold public meetings.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has not objected to visits and investigations by human rights organizations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Both the Constitution and the revised family law guarantee women the same individual, political, and social rights as men. Women leaders play a minority role in the political life of the country, with 11 women in the 300-member Parliament, 1 woman minister and 2 deputy ministers in the Cabinet, and 5 women out of the 51 regional governors. The position of women in Greek society has undergone rapid change in conjunction with the process of industrialization and modernization, with increasing proportions joining the salaried labor force. The Government has given concerted attention to the role of women, has instituted significant reforms in marriage, divorce, and property laws, and has expanded services to women in unemployment, family planning, and child care.

The Treaty of Lausanne includes provisions relating to the educational and political rights of the Muslim minority, who are Greek citizens. Two Muslim members serve in the national Parliament. A Muslim political party was formed in 1985, and

its candidates ran in nationwide elections. Many villages in Thrace regularly elect Muslim mayors.

Members of the Muslim community and Turkish-Muslim organizations located outside Greece have complained that Turkish-language teaching materials imported from Turkey are vetted by Greek officials, as are Turkish teachers assigned to Muslim schools. The Greek Government states that educational materials and teachers are examined to ensure they meet Greek standards, according to the terms of a 1968 reciprocal agreement with Turkey. Muslim leaders have also complained that Muslims are not allowed to purchase land from non-Muslims. Greek officials maintain that there is no impediment to the Muslim right to purchase land, and that purchases have been made.

Tensions between Greece and Turkey have made each country's perception of the treatment of its coreligionists in the other country a highly emotional issue, and both countries have viewed human rights questions in the light of historical and political differences. There is no evidence, however, of a generalized pattern of official political, religious, or cultural repression of the Muslim community or a deliberate policy of discrimination by the Greek government.

CONDITIONS OF LABOR

The minimum age for work in industry is 15. However, legislation and regulations provide higher minimum ages for work in specified areas or specific jobs. For example, those performing loading or unloading work must be at least 18 years of age, while workers for the ports of Piraeus and Thessaloniki must be 21.

The minimum daily wage as of September 1, 1986 was approximately $12.50. The workweek is 40 hours in the private sector and 37.5 hours in the public sector. Minimum standards of occupational health and safety are provided for by legislation.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GREECE

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	501.4	501.4	431.9
LOANS.....	500.0	500.0	430.7
GRANTS.....	1.4	1.4	1.2
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	500.0	500.0	430.7
C.INTL MIL.ED.TRNG....	1.4	1.4	1.2
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	501.4	501.4	431.9
LOANS.....	500.0	500.0	430.7
GRANTS.....	1.4	1.4	1.2
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	0.7	0.5	0.0	925.8
IBRD	0.0	0.0	0.0	489.9
IFC	0.0	0.0	0.0	66.8
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.7	0.5	0.0	26.5
OTHER-UN	0.0	0.0	0.0	1.2
EEC	0.0	0.0	0.0	341.4

HUNGARY

The leadership of the (Communist) Hungarian Socialist Workers Party maintains a complete monopoly on political power. Although most civil rights are prescribed by the Constitution, in practice the exercise of such rights is often arbitrarily restricted. Beginning in the 1960's, the party gradually eased internal controls and fostered a greater degree of economic well-being. Political expression is still tightly controlled, and participation in the political process is not possible outside the limits set by the party.

The Soviet Union has maintained military forces in Hungary since the end of World War II. In excess of 60,000 Soviet soldiers are currently stationed there.

The secret police and other coercive institutions are active but have become more circumspect. The 1968 police surveillance law, the 1984 and 1985 decrees on police powers, and other such decrees have strengthened the power of the police to search citizens without cause and tightened state control over duplicating machines and over persons without regular employment.

Economic reform, launched in 1968, is still the key to Hungary's relatively tolerant domestic policies. After years of belt-tightening, the Government is trying to cope with growing popular unhappiness about rising prices and a stationary, if not declining, standard of living by allowing modest wage increases and moving ahead with economic reforms. Hungarians as a whole are significantly freer of the type of economic restrictions and state interference in private life which characterize other Warsaw Pact members.

Hungary's human rights record was marred by some negative political developments. Implementation of the liberalized issuance of passports, for example, remains spotty. The authorities in February disallowed a proposed march by environmentalists protesting construction of a dam; the police forcibly dispersed those who defied the ban. The police displayed even less tolerance when they clashed, 1 month later, with youths commemorating the 1848 uprising and calling for greater freedoms. Extra security measures taken on October 23, the 30th anniversary of the 1956 revolution, epitomized the overall trend of maintaining firm control over potential demonstrations.

Because of the 1956 anniversary, the authorities were especially sensitive to any criticism of General Secretary Kadar and the regime's legitimacy. As a consequence, a regional literary review was temporarily suspended, and a popular playwright was banned from the legal media. Furthermore, young artists who sought to publicize the failed revolution were threatened with administrative sanctions, including expulsion from Budapest. Samizdat (clandestine publishing) operations continued to function and even expand, although both publishers and distributors were periodically subjected to house searches, spot fines, and occasional confiscation of printing equipment.

HUNGARY

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There is no evidence that killing for political motives occurred.

b. Disappearance

There were no reported disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

No known instances of torture have occurred in Hungary in recent years. Citizens, in principle, may bring complaints against the police.

There are three levels of punitive incarceration in Hungary: "workhouse," which allows some privileges of visiting, outside work, and leaving; "jail," which is more punitive; and "prison," which means a maximum-security penitentiary. Confinement conditions vary in relation to the category of incarceration, but all levels are believed to provide adequate diet and health care. Hardened criminals are confined separately from those convicted of petty crimes. With varying degrees of frequency, depending on levels of imprisonment, prisoners have rights to visitation by family members, other relatives, and friends. There does not appear to be systematic mistreatment of prisoners. Nevertheless, according to recent reports, Jozsef Peller, a Catholic conscientious objector incarcerated in the Budapest military prison, is being mistreated by the prison staff.

Hungarians very rarely engage in the abuse of psychiatry, i.e. the commitment of sane persons to institutions for the mentally ill as a form of punishment, but there was one report of such practice in 1986. Laszlo Rusai, an unemployed teacher and Hungarian dissident, was confined to a mental health hospital reportedly after challenging the official interpretation of the 1956 revolution and displaying a poster about it from his window. The Government, however, denied that Rusai's confinement in a psychiatric facility was a political sanction.

d. Arbitrary Arrest, Detention, or Exile

Citizens are generally free from arbitrary arrest. Upon arrest, a detainee must be informed in writing of the offense he or she is suspected of having committed and may be held at a police station for a maximum of 72 hours before charges must be filed. There is no right of bail or provisional pretrial liberty. In cases of suspicion for major crimes, a person can be held in jail 30 days before trial, renewable twice for a maximum of 3 months.

The penal code contains an article on incitement which permits officials to prosecute for a wide range of utterances or statements. It is not clear how many cases of incitement involve political matters. A penal code provision concerning "espionage" provides for punishing "a person who obtains, collects, or gives out data which can be used against the

Hungarian People's Republic with the purpose of forwarding them to a foreign government or organization....." Neither the nature of the data transmitted nor the nature of the recipient organization is clearly defined, thus allowing a broad interpretation by the authorities of the kind of "data" considered to be proscribed. The police surveillance law was strengthened in 1985 to permit the police to place under surveillance or in internal exile any citizen or resident of Hungary above the age of 16 (rather than 18) for a period of 2 years (rather than 1 year), renewable for an additional year, if that person's attitude represents a permanent danger to the internal order or public security of the country. The law has not been used in 1986 for political purposes.

Under an amendment to the Criminal Code which went into effect in 1985, a person "who is capable of working but follows a way of life of vagrancy" may be punished by loss of liberty for up to 2 years or by reformatory and educative labor or by a fine. Under this law, work-shirkers may be sentenced to a specific workplace, such as a state farm, a mine, or the state railways. Many Gypsies have been sentenced under this law. There is no evidence to date that the law has been used against political dissidents. Forced labor, within the meaning of the International Labor Organization's definition, has not been employed in Hungary.

e. Denial of Fair Public Trial

There are few closed trials in Hungary. The Constitution stipulates that all court proceedings are open, except for cases specifically exempted by law. Those which are closed usually involve "national security," not otherwise defined. In general, judicial procedures are investigatory rather than adversarial in nature. There is no trial by jury. Defendants have the right to choose their own counsel. Nonpolitical trials are more likely to be handled in an impartial manner than are trials involving offenses considered to be political.

It is believed that a number of citizens, including some who opted to flee instead of serving in the military, have been incarcerated for attempting to leave Hungary without government permission. Exact numbers are not known.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for citizens' personal freedom and inviolability, the secrecy of correspondence, and the privacy of the home, but these provisions are violated when it is in the State's interest to do so. Search warrants are generally obtained. House searches are conducted by a court order and must be carried out in the presence of two witnesses. A written inventory of items removed from the premises must be prepared. These procedures are generally adhered to. In politically motivated cases, however, police do conduct house searches without warrants on the pretext of "suspected housing code violations."

Since the 1960's, Hungarian authorities have become more tolerant with respect to a person's private activities. Formal systems for gathering information on people, such as the widespread use of informers and block wardens and overt intrusions of the police into the daily life of persons, have been substantially curtailed. It is widely assumed, however, that private telephone lines are tapped and correspondence

opened when the authorities have an interest in doing so.

Hungarians may subscribe to Western publications although such subscriptions are expensive in Hungary. Parents who seek to provide religious instruction to their children in their homes are not harassed. Membership in the Communist Party or in party youth and other organizations is not mandatory, though the absence of membership may have an adverse impact upon career possibilities in some fields. While not compulsory, membership in the party's youth and other mass organizations (trade unions and professional associations) is a requirement for a successful career.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution guarantees free speech and free press, but these rights are qualified by the need to conform to the "interests of socialism and the people." The Government has shown a general willingness to tolerate some expressions of dissent without explicit reply or rejoinder. It is prepared, however, to harass political dissidents to keep them in check and has occasionally expelled them or encouraged their emigration to the West. No prominent dissidents were arrested in 1986 for opposition activity.

An unknown number of persons, however, were arrested for expressing anti-Communist and/or antiregime utterances. Most of these arrests occurred in public, often after the arrestee had been drinking. In cases such as these, the arrestee is usually charged with incitement. The number of such offenses is obfuscated in the official statistics which lump incitement with petty nonpolitical offenses.

In a significant case affecting freedom of speech, one of Hungary's foremost playwrights, Istvan Csurka, authorized Radio Free Europe to broadcast remarks made in New York on March 15 about the alleged genocide of Hungarians elsewhere in Europe. As a result, in July the authorities decided to bar Csurka from all access to the established media. In response to this ban, Csurka declared that he would not return to the publishing field until "those morbid circumstances which resulted in my suspension will be eliminated." In an August interview, Deputy Minister of Culture Vajda claimed that Csurka failed to demonstrate "elemental loyalty" by cooperating with "propaganda centers" opposed to socialism and the Hungarian Government. Csurka's uncensored comments about the plight of ethnic Hungarians living in Romania' Transylvania and in Slovakia apparently conflicted with Hungarian policy on this subject.

Dissident activity in Hungary remains largely confined to several hundred intellectuals who live primarily in Budapest, although numbers of working-class youths have also been arrested for expressing dissatisfaction with the system. Hungarian dissidents meet regularly for private discussion of political and other topics. Hungary's economic progress during the last decade, its emphasis on consumerism, and its willingness to permit more frequent travel to the West than do other Warsaw Pact states have served to undercut the appeal of dissidents to a broader public. However, the governmental decision to go ahead with a highly controversial dam on the Hungarian-Czechoslovakian border has increased the public appeal of those dissidents most concerned with the environment.

Nevertheless, even this group of antidam environmentalists was effectively barred from presenting its position in the established media and had to rely on samizdat (self-published) publications plus political advertisements placed in Austrian newspapers to convey its views. In response, the Government attacked the environmentalists for using the Vienna papers rather than for the substance of their arguments.

Party and government authorities closely supervise the press, radio, and television, which are government owned and must adhere to the party's ideological guidelines. On September 1, 1986, the Hungarian press law came into effect and superseded a myriad of administrative measures previously in force. The new law essentially codifies existing practice but also includes some new restrictions and new liberalizations. Although some carefully nuanced differing views occasionally appear in the press, they are usually well within the general constraints imposed by the party. Hungary permits access to Western literature, films, television programs, and publications. As of 1985, Western periodicals, including the International Herald Tribune, Le Monde, the Sunday Times of London, and Die Presse, were made available for local currency at centrally located kiosks and transportation centers.

Infrequently, Western viewpoints can be heard on Hungarian radio and television. These may be the views of a Western spokesperson, broadcast together with those of other participants in a panel discussion, or straight reporting of a Western official's comments on a topical international issue, such as U.S.-Soviet relations. Hungary does not normally jam Western radio broadcasts. However, some 1985 broadcasts carrying interviews with former Hungarian Prime Minister Andras Hegedus and some 1986 programing about the 1956 events may have been interfered with. Austrian and Yugoslav radio and television broadcasts reach much of the country.

Pervasive self-censorship in cultural and media circles determines the boundaries of free expression. The public medium which enjoys the greatest degree of freedom of political expression is film, although the more politically controversial examples are typically withheld from public distribution until the authorities deem fit. The authorities have banned the circulation of certain books, magazines, and articles considered not to conform with accepted positions. The right to publish is restricted for political reasons. For example, the June 1986 edition of the regional literary journal "Tiszataj" was suspended because of the poems by the controversial poet Gaspar Nagy and unflattering commentary about the 1956 Hungarian Revolution. In an unusual interview in August, Deputy Minister of Culture Vajda claimed that the suspension was a result of a "series of errors in publication policy... (and) a lack of responsible and democratic workshop operations." The journal was later allowed to resume publication.

Several groups of dissidents are active in the preparation and distribution of prohibited articles and books in samzidat form. Since 1982, the authorities have engaged in a periodic campaign of harassment against these activists. Occasional press articles have attacked the dissidents and their alleged Western supporters. A high level of activity, however, continues, and the variety of samizdat expanded in 1986. No arrests of samizdat editors or distributors for engaging in their illegal activities occurred in 1986. However, the

police in Budapest regularly exercised their power to impose fines on persons involved in unauthorized publishing and periodically subjected them to various forms of harassment and house searches..

On September 1, 1986, the Hungarian press law came into effect and superseded a myriad of administrative measures previously in force. How the new law will influence the limited freedom of the press remains to be seen.

b. Freedom of Peaceful Assembly and Association

Although the Constitution guarantees freedom of assembly and the right to form associations, government approval or tacit acceptance is required for the exercise of these rights. Such approval was not forthcoming when some environmentalists wished to hold an "environmental walk" last February to protest the Government's decision to participate in the construction of a Danube River dam. Those who defied the police ban, mostly Austrians, were dispersed by the police. Similiarly, unauthorized gatherings of young people on March 15, one of Hungary's most important national holidays, resulted in a violent clash with the police on Chain Bridge in Budapest.

The authorities are more tolerant of gatherings in private homes. Dissidents sponsor "open houses" on a regular basis and Budapest's "flying university" resumed meetings recently at which academicians and dissidents lectured on topics not discussed elsewhere.

The Hungarian National Trade Union Council, the largest of all mass organizations, is for the most part controlled and directed by the party. It serves the purpose of indoctrinating workers in party policy as well as representing worker interests within certain bounds. The chairman of the council is a member of the party Politburo. He represents the council in meetings with the party leadership and with the Government over labor policy, economic planning, prices, wages, and other economic issues. At the local and enterprise level, the council has a veto right over state nominations of managers and administers a system of shop distribution of bonus money, profit sharing, enterprise-controlled housing, health care, union vacation plans, and other benefits. Stewards can veto management decisions on personnel actions, plant safety, and other work-related issues which do not comply with collective agreements and labor regulations. Disputed questions are referred to higher authorities for arbitration.

The Constitution does not provide for the right to strike. Although work stoppages have reportedly taken place in local industries in recent years, there has not been a major strike affecting an entire industrial sector in over a quarter of a century.

c. Freedom of Religion

Although freedom of conscience and freedom of religious practice are guaranteed in the Constitution, they are subject to restrictions. The State in principle opposes but does not rigorously impede the practice of religion. Steadfastly committed to atheism, the authorities for tactical reasons profess the acceptability of believers and nonbelievers working together in the interest of "Socialist society." All denominations that will accept the Socialist state are officially recognized. The Government has generally

maintained good relations with the hierarchies of the major religious denominations, many of which have representatives in the Parliament. Professed religious beliefs, however, can limit the citizen's advancement in government, industry, and the professions. Since 1985 party members have not been allowed to attend religious services in the capacity of believers.

There are 19 significant religious denominations in Hungary which are recognized by the State, plus several minor sects, such as Jehovah's Witnesses. Sizable religious groups include Roman Catholics (about 5.25 million), Reformed Calvinists (2 million), Evangelical Lutherans (0.5 million), and Jews (100,000). The total number of persons manifesting some religious belief is estimated at 8.5 million out of a population of 10.7 million.

Religious denominations in Hungary have generally good access to religious materials, including Bibles and prayer books. In many cases, they print their own. They also publish periodicals and newspapers, subject to the same state control as nonreligious publications.

Helsinki Watch reported one incident of government suppression of religious activity in 1986. On May 11 police broke up a service of the Faith Christian Fellowship in Zalaegerszeg and temporarily detained the pastor. The worshipers' identity cards were confiscated. The police claimed the service was illegal. The Fellowship's first application for recognition as an official religion was turned down, and a second is still pending.

Churches do not act as organizing centers for dissent. The authorities have not detained or arrested any clergy, but approximately 117 young men were sentenced to prison terms ranging up to 3 years for refusing military service. A right of conscientious objection to military service is only recognized for two small denominations, the Nazarenes and the Seventh-Day Adventists, because it is a precept of these religions.

The major religions have theological training institutes, whose capacity is approximately adequate to the number of candidates. The State permits limited construction of new places of worship. A new synagogue opened in Siofok in June, the first since 1945. At the request of the late Catholic primate, Cardinal Lekai, a new church is being built in a newly populous suburb of Budapest. In the last 20 years, approximately 50 new Baptist churches have been built in Hungary. The Baptist construction, partially funded by overseas contributions, illustrates the close connections Hungarians maintain with their coreligionists and hierarchies in other countries. Religious leaders may generally travel abroad so long as they have adequate hard currency resources to fund the trip.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

All adult citizens are issued an identity booklet, which they must carry at all times. They must register with local police when moving from one locality to another. However, no permission is required for moving within Hungary, except to Budapest, where overcrowding has led the Government to restrict the number of new inhabitants.

HUNGARY

Foreign travel is relatively easy, the chief constraint being restrictions on the amount of hard currency available. Hungarian citizens may travel freely in Eastern Europe with visas required only for the Soviet Union and Yugoslavia. They may travel to the West on family visits once a year if relatives abroad pay the costs. Nonfamily trips are allowed every 3 years, and a modest hard currency allotment is available. According to Hungarian sources, 5.5 million Hungarians traveled abroad in 1985, of whom 800,000 went to non-Communist countries. However, the Government reserves the right to refuse permission to travel in cases of "state security." This provision of the law continues to be invoked to refuse some dissidents passports.

Emigration for those of working age is allowed only for reasons of family reunification, defined as joining a parent, spouse, or child abroad. It can be refused if the relative is abroad without permission from the Government, until 5 years have passed since that person's departure. However, the law provides for exceptions to all restrictions in individual cases, and persons who are refused permission to emigrate may appeal and reapply. Reapplications are sometimes successful, especially if there are special humanitarian considerations. Approximately 90 percent of Hungarians who are eligible to apply to emigrate for purposes of family reunification receive permission. Permission is virtually guaranteed to a Hungarian over 55 years of age.

Those who do not receive permission to emigrate normally suffer no official sanctions, such as loss of employment or housing. Emigrants are allowed to take a modest amount of personal property with them. Persons who have emigrated legally from Hungary may apply to return for resettlement, but their right to return is not guaranteed. They must establish that there is housing and employment or other income available to them. Persons who have emigrated without permission (i.e., failed to return from a visit abroad), are subject to civil, but not criminal, penalties. Any prosecution usually results in a suspended sentence and/or fine. They are usually not allowed to travel abroad again for 5 years. More serious penalties, such as loss of employment, sometimes are imposed.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Hungary is ruled by the leadership of the Hungarian Socialist Workers Party. Political participation is not possible outside the party or party-sanctioned organizations. The Constitution states that the Hungarian Socialist Workers Party represents the "working class" and the "interests of the whole of the society." The party uses mass organizations such as the Patriotic People's Front, trade unions, and the Communist Youth League to elicit public support. To a growing extent, the party invites the opinions and recommendations of nonparty organizations (for example, cooperative associations) on policy proposals in which they have an interest, but implementation is at the discretion of the party.

In the 1985 elections, 90 percent of all the seats in the National Assembly and all seats in local councils were contested by at least two candidates. Although candidates did not necessarily have to be members of the Communist Party, all had to announce that they accepted the platform of the party-controlled Patriotic People's Front and had been deemed acceptable by that body. No other political parties were

allowed. Several members of the democratic opposition who sought nomination as candidates were barred from participation in the election. The party has stated that it recognizes a need to go beyond the development of new electoral forms if the elections are to attract genuine public interest, and the National Assembly and local councils are to become more significant institutions. To date, little has been done to fulfill this objective.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government refuses to accept outside charges or investigations of alleged human rights violations on the grounds that this is "interference in internal affairs." Hungary has shown, however, a willingness to engage in discussions with other countries on all aspects of the Helsinki Final Act, including its human rights provisions. This tolerance did not extend to allowing the privately organized International Helsinki Federation to hold a cultural symposium in a hotel during the opening of the 1985 Cultural Forum. The symposium was, however, held in private apartments.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Both in theory and in practice, Hungary is sensitive and responsive to the cultural aspirations of its recognized ethnic minorities. Schools providing instruction in the mother tongue and varieties of ethnic expression are encouraged on a nondiscriminatory basis. A major reason for this policy is the hope of creating a "demonstration effect" which will indirectly benefit the millions of Hungarians living as minorities in adjacent countries. Although national minority groups are encouraged to form their own associations, nonnational groups do not enjoy the same degree of freedom. When a number of young Jewish people held informal meetings in private homes during the summer and fall of 1986 to discuss the history and problems of Jewish culture, the sponsors were told to desist by the police.

A large number of Gypsies (estimates range up to 5 percent of the population) live in Hungary. They are not recognized as an official minority. The Government engages in many programs specifically designed to raise the standard of living of Gypsies and to help them to adjust to the mainstream of Hungarian life. Gypsies are on the average, however, considerably less well educated and poorer than the majority Magyar population or the recognized ethnic minorities. Candid discussion continues to appear in the press and specialized literature about the social and economic difficulties experienced by Gypsies, including the fact that considerable popular prejudice against them exists.

Women account for one-eighth of the management positions in Hungarian industry and agriculture. Approximately half of them attained these positions in the past 5 years. Women's share of senior positions, such as general director at state industrial complexes, is considerably lower. Women's share of professional positions has been increasing. About 8 percent of Hungarian women are professionals, compared to nearly 9 percent of men.

HUNGARY

More than one-fifth of the members of the National Assembly are women. There are very few women at top levels in the Government or party. Only one deputy premier and one other member of the 23-person Council of Ministers is a woman. In the 21-member Presidential Council, there are only 4 women.

CONDITIONS OF LABOR

The minimum age for the employment of children is 15, with restrictions pertaining to shifts and night work. There are no restrictions on minors older than 16 years of age. Although there is no national minimum wage in Hungary, wage charts are set for each profession according to the qualifications of the jobholder. The average official workweek is approximately 45 hours. All Hungarians have a right to a minimum of 15 days' paid vacation per year; they are entitled to 1 additional day for each 3 years of service.

ICELAND

Iceland is a democratic social welfare state with a bicameral parliament, the Althing, which is the oldest standing parliament in the world. Iceland's highly literate and educated people take a strong interest in political affairs and participate in high percentages for parliamentary and local elections, which are fair and free. Icelanders enjoy a fair and efficient civil and criminal justice system and are strong defenders of individual human rights. The nation has no military forces or political security apparatus.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for Integrity for the Person Including Freedom from:

a. Political Killing

Politically motivated killings did not occur.

b. Disappearance

There were no cases of abductions, hostage taking, or disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and cruel, inhuman, or degrading treatment or punishment are prohibited by law and do not occur in practice. The operating methods of the police and prison conditions in Iceland are excellent by international standards.

d. Arbitrary Arrest, Detention, or Exile

Due process is guaranteed by law and observed in practice. The Constitution guarantees that any person detained by the authorities must be brought before a judge within 24 hours and either charged, bound over, or released. There were no allegations of arbitrary arrest. There is no preventive detention or forced labor, nor is exile practiced.

e. Denial of Fair Public Trial

Defendants receive fair public trials. The courts are free of political control although the lower court system is administered by the Ministry of Justice. However, the Supreme Court carefully guards the lower courts' independence and fairness. Defendants are guaranteed the right to competent counsel of their own choice, and the State pays attorney fees when defendants are unable to do so. Juries are not normally used, but multijudge courts are common, particularly in the appeals process. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under law and in practice, there is a longstanding, deep respect for the autonomy and rights of individuals. A warrant from a court is required for entry into a home except in cases of hot pursuit. Arbitrary intrusions by official entities, political organizations, or any other organized group into the personal liberties of Icelanders did not occur.

ICELAND

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

A vigorous and independent press, a legal system which includes safeguards for individual rights, and a functioning democratic political system combine to ensure freedom of speech and press. Individual citizens and the media freely exercise their right to criticize the Government. Although most schools and institutions of higher education are publicly owned, academic freedom prevails. Censorship is applied to print and film materials in order to control public display of pornography and violence, but there is no other government censorship of any type.

b. Freedom of Peaceful Assembly and Association

By law and in practice, persons are free to join together formally or informally to promote nonviolent causes or to protest government policies or actions. A varied and wide spectrum of voluntary organizations plays an important part in Icelandic politics and society. All such organizations and groups are free to maintain international contacts.

Labor relations are highly organized and democratic. Workers and employers make extensive use of the right to establish organizations, to draw up their own constitutions and rules, to choose their own policies and representatives, and to bargain collectively on wages, working conditions, and other related issues. Labor unions are active and influential in the nation's economic and political life and in the development and administration of a comprehensive social welfare system.

c. Freedom of Religion

Although the Lutheran Church is the established church of Iceland and the vast majority of citizens are nominally members, there is complete freedom for other faiths. Religious affiliation is not a factor in political or social life.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Icelanders have complete freedom to travel at home and abroad, to emigrate, and to return to Iceland at will.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The political system is an open, fully functioning, parliamentary democracy with a high level of popular participation. Following the last parliamentary election in April 1983, there was an orderly transfer of power to a new coalition government. The remaining four political parties form the parliamentary opposition. A high voter turnout in elections, the use of party primaries to select most parliamentary candidates, proportional representation in multimember districts, and a cultural insistence on the representation of the views of all significant groups contribute to an active and informed political life.

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ICELAND

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights

There were no reports of violations of human rights. Several human rights organizations in Iceland, including Amnesty International, take an active interest in international human rights issues.

Section 5 Discrimination Based On Race, Sex, Religion, Language, or Social Status

Iceland has an ethnically homogeneous population of 241,750 which enjoys a high standard of living and the benefits of a developed social welfare state on the Scandinavian model. Food, shelter, health care, and education are readily available to all without discrimination.

Icelanders are highly egalitarian. Women participate freely in social, economic, and political life. Nevertheless, women are underrepresented in the professions, management, and politics and are continuing their efforts to expand their roles and rights. Iceland's popularly elected Chief of State is a woman, and one of its ten cabinet ministers is also a woman.

CONDITIONS OF LABOR

In the workplace, Icelandic workers are protected by laws designed to ensure their health and safety as well as to guarantee them unemployment insurance, paid vacations, and reasonable working conditions and hours. The employment of children below the age of 16 in factories, on ships, and in other places where hazardous conditions prevail or hard labor is required, is prohibited by law.

IRELAND

The Republic of Ireland is a parliamentary democracy with a long tradition of orderly transfer of power. Individual liberties and civil rights are guaranteed by the 1937 Irish Constitution and subsequent Supreme Court interpretations.

Successive Irish Governments have had to deal with the spillover into the Republic of recurring outbreaks of violence in Northern Ireland. In recent years, this has resulted in the deaths of police officers, soldiers, and civilians due to the actions of the Provisional Irish Republican Army (PIRA) and the Irish National Liberation Army (INLA). This violence has led Irish Governments to adopt special legislation to deal with acts of terrorism. During 1986 the Government, in the opinion of leading rights groups in Ireland, sought to apply such special legislation with restraint, although some observers are concerned at the use of these powers in cases where no political connections are apparent.

The Government and people of Ireland attach great importance to the observance and maintenance of human rights both in theory and practice.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Politically motivated killings occasionally occur in Ireland as a spillover from the violence in Northern Ireland. There were no political slayings in the Republic in 1986.

b. Disappearance

People are not abducted, secretly arrested, or held in clandestine detention by the Irish authorities.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Freedom from torture and cruel, inhuman, or degrading punishment is respected in practice by the Government. From time to time, allegations have been made that individual policemen have used physical abuse during interrogations or have mistreated prisoners. As an adjunct to the Omnibus Criminal Justice Act of 1984, Parliament passed the Garda Siochana (complaints) Act of 1986. Not yet implemented, the Act provides for the investigation and adjudication of complaints about the conduct of members of the police. It establishes a Complaints Board and a Complaints Appeal Board, and calls for the appointment of a Board of Tribunals to consider breaches of discipline and related matters.

d. Arbitrary Arrest, Detention, or Exile

The Constitution contains provisions implementing its guarantee that "no citizen shall be deprived of his personal liberty save in accordance with law." The same section of the Constitution provides for a judicial determination of the legality of a person's detention and requires that the arresting authorities make written explanation to the court about the person concerned. Neither in law nor in practice is

anyone subject to arrest for the expression of political or religious views. Arrest is carried out openly and the right to a fair and speedy trial with full right of legal counsel exists in law and practice. Detention without charge is restricted. It is permitted for a maximum of 48 hours, however, in cases covered by the Offenses Against the State Act of 1939, legislation designed to "prevent actions and conduct calculated to undermine public order and the authority of the State." This legislation was reactivated in 1972 and broadened to include other "scheduled offenses" against peace and order. The police can now arrest and detain for questioning anyone suspected of any offense involving damage to property. After the 48-hour period, the individual must be brought before a magistrate, presented with written charges, and be given legal representation.

The Omnibus Criminal Justice Act of 1984 gives somewhat increased powers to the police in the area of detention for interrogation. By the terms of the Act, however, these provisions cannot be invoked until a police complaints mechanism is established.

Critics of the Omnibus Criminal Justice Act argue that the increased powers it will give to the police, in particular, detention without charge and the curtailment of the right to silence, are out of proportion to the threat addressed and are unhealthy for democracy. Defenders of this legislation point out that two issues of human rights are at stake: the right of citizens to be protected against crime and the safeguarding of individual rights from abuse by police.

There is no forced labor in Ireland.

e. Denial of Fair Public Trial

Fair public trial is guaranteed by the Constitution and respected in practice. The courts are independent, and jury trial is the norm. The Constitution provides, however, for the creation of "special courts" to deal with cases where the "ordinary courts are inadequate to secure the effective administration of justice, and the preservation of public peace and order." The Offenses against the State Act of 1939 formally set up such courts and provides that they may try persons for offenses against national security, especially cases of political violence. Rather than having juries, these courts have panels of judges, each consisting of an uneven number of judges, but in any event not less than three. Their verdicts are by majority vote. Rules of evidence generally are similar to those of regular courts, except that the sworn statement of a police Chief Superintendent that the accused is a member of an illegal organization is considered prima facie evidence of such membership. Court sessions are usually public but may exclude certain persons, other than genuine press representatives. There is provision for free legal aid and appeal against conviction or sentence.

There is no provision under Irish law for use of political offense arguments to evade prosecution or otherwise receive special consideration in law enforcement and judicial processes, except in extradition, and even there, the Supreme Court in recent years has severely circumscribed use of that argument. Such arguments are often made by members of the PIRA and other illegal organizations convicted of terrorist offenses.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Though not specifically provided for in the Constitution, the basic human right of noninterference with personal privacy, family, and home is affirmed by the Supreme Court and generally observed. The Constitution, however, provides that the State shall enact no law "providing for the grant of the dissolution of marriage." In a national referendum in June on amending the Constitution to permit divorce in limited circumstances, the amendment was overwhelmingly defeated.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These freedoms are guaranteed by the Constitution and generally respected in practice. The State endeavors to insure that organs of public opinion, while preserving liberty of expression (including criticism of government policy), are not used to undermine public order, morality, or the authority of the State. Furthermore, "publication or utterance of blasphemous, seditious, or indecent matter" is an offense punishable by law.

Ordinarily, such censorship as exists in Ireland is directed largely toward materials considered pornographic in nature. Nonetheless, the state-owned radio and television network, on the basis of the constitutional provisions dealing with public order and the authority of the State, denies air time to members of a list of organizations including Sinn Fein, the outlawed PIRA's legal political wing. In late 1982, this prohibition was challenged before the Irish Supreme Court and upheld on constitutional grounds. All political parties not on the list are given full and regular access to both public-owned radio and television facilities and major independent daily newspapers. Criticism of the Government in such media is not only allowed but flourishes.

b. Freedom of Peaceful Assembly and Association

These freedoms are guaranteed by the Constitution and respected in practice. Certain terrorist organizations, such as the PIRA, however, are illegal, and membership in them is an offense against national security. The INLA was added to this list in early 1983. Political parties or groups associated with such organizations, such as Provisional Sinn Fein, are not proscribed.

Labor unions have full freedom to organize and to engage in free collective bargaining. The Irish Congress of Trade Unions, which represents unions in both the Republic and Northern Ireland, has 89 member unions with over 650,000 members. The Irish Labor Party severed its formal relationship with the trade union movement in the 1930's, although some unions, including several of the largest, pay subscriptions to the Labor Party and assist candidates. Union officials and members play an active role in politics through the parties of their choice. Labor unions are permitted to conduct protests, including secondary and wildcat strikes. There are no compulsory settlement procedures.

Although there is no basic law governing trade union activities, most terms and conditions of employment are

determined through collective bargaining. The right to join a union is guaranteed by law, as is the right to refrain from joining. Most businesses (covering over 56 percent of the labor force) are unionized.

c. Freedom of Religion

Ireland is 94 percent Roman Catholic. The Constitution guarantees freedom to all religious groups. There are no restrictions upon freedom of worship or association.

Discrimination in employment, education, and other fields based on religious grounds has not been alleged. Some Irish laws, such as the prohibition against divorce, reflect the point of view of the majority community. The area of family law is the subject of much current debate in which minority religious communities have felt fully at liberty to take a vocal and active role.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is complete freedom of movement within the country, and freedom to engage in foreign travel, emigration, and voluntary repatriation. Ireland has accepted displaced persons on a limited basis.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Ireland has had a consistent history of orderly transfer of power by elections since the end of the Irish Civil War in 1923. The country has two major parties, three smaller parties, and provision for independents to stand for election to either house of Parliament. The constitutional requirement that elections be held at least every 5 years has always been met. Ireland uses a proportional voting system, and the secrecy of the ballot is fully safeguarded. The Government elected in November 1982 is a two-party coalition in which the party leader of the larger party serves as Prime Minister.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government generally cooperates with independent outside investigations of alleged human rights abuses, although it has not always been receptive to prisoners' rights groups. Amnesty International is active, as is the Irish Council for Civil Liberties. Both operate freely and without hindrance in Ireland as the principal independent organizations interested in domestic human rights issues.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Government social services provide adequate shelter, nutrition, health care, and education without regard to race, religion, sex, ethnic background, or political opinion. People whose means are inadequate and who are not entitled to other benefits may receive pensions or other payments from public funds.

In recent years women have been playing a more significant role in the Irish work force. Although the Constitution

recognizes the woman's role in terms of "her life within the home," women have been entering the office and marketplace relatively smoothly but slowly. Studies have highlighted the difference in pay scales between men and women and the fact that in recent pay increases female workers have lagged considerably behind the male sector, thus further widening the gap. Equal pay for equal work, the elimination from the social welfare system of discrimination against women, and reform of the law on rape are priorities on the growing agenda of Ireland's small but increasingly active women's movement.

CONDITIONS OF LABOR

The minimum age for employment is 15 years. Irish laws limit the hours of employment for 15-year-olds to 8 hours per day and 40 hours per week. Those 16 and 17 years of age may work up to 9 hours per day and 40 hours per week. Those 18 years and older are, in the case of shop employees and industrial workers, limited to 48 hours per week plus 12 hours overtime.

There is no general minimum wage legislation in Ireland. However, some 56,000 workers are covered by minimum wage laws applicable to specific industrial sectors, mainly those which tend to pay lower than average wages. Four basic laws dealing with occupational safety provide adequate coverage. An extensive system of public health insurance offers health protection.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: IRELAND

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	0.0	0.0	50.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	50.0
A.AID	0.0	0.0	50.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	50.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	50.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS..... —	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.0	0.0	50.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	50.0
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	0.0	0.0	0.0	153.3
IBRD	0.0	0.0	0.0	152.5
IFC	0.0	0.0	0.0	0.0
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.0	0.0	0.0	0.7
OTHER-UN	0.0	0.0	0.0	0.1
EEC	0.0	0.0	0.0	0.0

ITALY

Italy is a democratic, multiparty republic with a parliamentary system of government. Legislative power is invested in the Parliament, which is directly and freely elected on the basis of universal adult suffrage. Executive authority is concentrated in the Council of Ministers. Italy has an independent judiciary. The Chief of State, the President, is elected by Parliament and representives of Italy's 20 regions.

Terrorist violence of both the left and right has remained at low levels in recent years, due to the effective work of police and magistrates and its overwhelming rejection by the people as a whole. Although terrorism has yet to be completely overcome, its considerable reduction has freed increased law enforcement resources for the struggle against organized crime, which remains a serious problem.

Italy has an industrialized market economy ranking among the top 10 in the world in gross national product. It is characterized by sizable government ownership in the primary industrial sectors and by a dynamic private sector, especially at the level of small and medium-sized companies.

The drafters of Italy's post-World War II Constitution were strongly influenced by Roman Catholic and social democratic traditions. The Constitution contains guarantees of political and civil rights that are generally observed in practice.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

In 1986, there was one confirmed killing by an Italian terrorist organization, the Red Brigades. The victim was Lando Conti, former Mayor of Florence. A related group carried out a failed assassination attempt in which a member of the terrorist command was killed. The would-be victim was an economic adviser to the Prime Minister. Levels of terrorism have dropped in recent years. Italian terrorists of the far left now generally concentrate on sporadic attacks on persons associated with the defense establishment, NATO, and government economic policy.

Various criminal investigations have yielded evidence that Middle Eastern groups involved in terrorism have been active in Italy, some possibly supported by governments in the area. However, the only confirmed attack of Middle Eastern origin involving Italy in 1986 occurred in April, when an explosive device killed four people on a TWA flight from Rome to Athens. It is unclear whether the bomb was brought aboard the airplane in Rome or at another point along its route.

b. Disappearance

There were no cases of disappearance linked to or condoned by the State or its agents. There were no kidnapings by political terrorist groups in 1986.

ITALY

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Freedom from torture is guaranteed by law and respected in practice. Cruel and degrading punishment is forbidden by law and is not generally employed by officials. Law enforcement officers accused of breaking these rules have faced criminal charges. In its 1986 report covering 1985, Amnesty International reported the death in police custody of Salvatore Marinto and said it had information indicating the body showed signs of torture by the authorities. The Government subsequently arrested 18 officers for involvement in the death. Fourteen of the 18 were later released conditionally.

Conditions of confinement vary, and some places of detention are outdated and crowded but not inhumane or degrading. Prisoners charged or convicted of terrorist acts are generally separated from other prisoners. Amnesty International in its 1986 report stated that one prisoner held for 5 years in preventive detention and reportedly suffering ill health had been denied medical treatment.

d. Arbitrary Arrest, Detention, or Exile

Police procedures in Italy are carefully circumscribed by law and judicial oversight. Arbitrary arrest is not practiced. Anyone detained by the authorities must be charged within 48 hours. In normal criminal cases, the duration of pretrial detention permitted varies according to the gravity of the crime. Under reforms passed in 1984, the maximum that any person may be held in preventive detention, even for the most serious crimes, is 6 years, and no more than 2 years at each step of the trial and the long appeals process. Nevertheless, Amnesty International has complained about the excessive length of pretrial detention. As a safeguard against abuse, "Liberty Tribunals" are empowered to review evidence in cases of persons awaiting trial and to decide whether continued detention is warranted.

There is no forced or compulsory labor. Exile as a form of punishment is unknown.

e. Denial of Fair Public Trial

A fair trial is assured by law and observed in practice in almost all cases. Counsel is provided for the accused, free of charge if necessary. The judiciary is independent of the executive, and there are no political or security courts. All cases may be appealed to the highest appellate court, the Court of Cassation. There are no political prisoners.

Considerable debate continued in 1986 over procedures which allow reduced sentences for confessed offenders willing to testify against associates and accomplices. The system was used effectively to combat terrorism and is now being employed against organized crime.

Although there is no evidence of a systematic abuse of the procedure by authorities, a series of highly publicized acquittals on appeal in 1986 brought increased criticism of magistrates for overreliance on it. Critics maintain that such plea-bargaining allows too much latitude to individual magistrates, who may be tempted to make an arrest before

obtaining evidence to corroborate testimony by plea-bargainers (which may not always be reliable--particularly in organized crime investigations). It is also claimed that the procedures violate the principle of equal penalties for equal crimes.

A number of political parties and private organizations have banded together to promote a series of national referendums on judicial reform which are scheduled to be held in 1987. If passed, they would bring major changes in Italian court procedures and rules, as well as in the use of preventive detention. The Government is also studying proposals for judicial reform which, if passed in the meantime, could render some, if not all, of these referendums unnecessary.

Amnesty International has complained that, in one case in 1985, two defendants were charged with crimes for which they had already been tried.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The concept of the privacy of the home is legally safeguarded and respected by the authorities. Searches and electronic monitoring may be carried out only under judicial warrant and in carefully defined circumstances.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Free speech and a free press are assured under Italy's democratic political system, which allows full expression of a wide spectrum of political views. Although there is no censorship, publications may be seized for violations of obscenity laws or for defamation of state institutions. These powers are seldom invoked. Government-run radio and television are politicized at the administrative level but are open to widely differing views. A large number of private broadcasters air vigorous debate on political and social issues.

b. Freedom of Peaceful Assembly and Association

Italian citizens right of free assembly is limited only in cases where national security or public safety is endangered.

Trade unions are not government controlled, and their right to organize, engage in collective bargaining, and strike are fully protected by the Constitution. They associate with international labor bodies freely and without interference. According to Government figures, about 40 percent of the work force is organized. Professional and employer associations also organize and represent their constituencies freely.

c. Freedom of Religion

Italy's relations with the Roman Catholic Church are governed by a 1984 agreement (Concordat) between the Italian Government and the Holy See, ratified in 1985. The new agreement, replacing the Concordat of 1929, recognizes the rights and place of the Church but no longer accords it the status of a state religion. The Roman Catholic Church continues informally to enjoy special standing in Italy because of the presence of the Vatican and because the overwhelming majority

of Italians are at least nominally Roman Catholic. Nevertheless, persons are free to profess and practice any religious faith. All religions are free to organize and proselytize within the limits imposed by the laws governing public order. The Government has reached agreements with some other religious groups to define their rights and standing. Roman Catholic religious instruction is offered in public schools as an optional subject.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Italian citizens may travel freely both within the country and abroad. Emigration is unrestricted. Citizens who leave are guaranteed the right to return, and the Constitution forbids deprivation of citizenship for political reasons. Italy has been a haven for many persons fleeing persecution in other countries. There were no cases of forced repatriation of political refugees in 1986.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Italy is ruled democratically under its free parliamentary system. Although the Constitution outlaws the Fascist party, a wide range of organized and active political parties exists from the far left of the political spectrum to the far right. Election campaigns are free and open, and voting is by secret ballot. The two chambers of Parliament and regional, provincial, and municipal councils are elected at regular intervals. Opposition groups are active and are frequently able to alter or reject government policies. The regions of Trentino-Alto Adige and Val D'Aosta are organized under special statutes aimed at safeguarding the rights of their respective German- and French-speaking minorities.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Italian Government and nongovernmental human rights organizations support human rights around the world. Italy participates fully in various international human rights organizations. Political parties and religious groups participate in activities related to human rights. Organizations active in human rights affairs include Amnesty International, the Official Interministerial Committee for the Rights of Man, the Institute of Humanitarian Law, and Caritas International.

Nongovernmental organizations are free to investigate conditions in Italy, attend trials, and publish their findings. For example, in 1986 a number of suicides among recently conscripted army recruits drew widespread attention to the basic training system and to the traditional hazing of newcomers by more senior recruits. In addition to the Defense Ministry's official investigations, political parties, newspapers, and private organizations (including pacifist organizations) have examined and reported on the issue in detail. Statistics indicate that the suicide rate among Italian recruits is lower than in other NATO conscript armies. However, some of these reports have been critical of the armed forces. A wide range of proposals, both official

and nongovernmental, have been made for the improvement of conscription, training, and barracks regimen.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Food, shelter, health care, and education are available to all inhabitants regardless of race, religion, sex, ethnic background, or political opinion.

Women generally have equal status under the law and participate freely in social and political life, though they are underrepresented in the professions and management and continue to work to expand their role. There are legal limitations on women's property rights in marriage which derive from traditional social practices.

CONDITIONS OF LABOR

Minimum work and safety standards are established by law and buttressed and extended in collective labor contracts. The basic law of 1923 provides for a maximum work week of 48 hours--no more than 6 days per week and 8 hours per day. The 8-hour day may be exceeded for some special categories. Most collective labor agreements provide for a 36- to 38-hour week. Overtime may not exceed 2 hours per day or an average of 12 hours per week.

There is no minimum wage set under Italian law; basic wages and salaries are set forth in collective labor agreements. National collective labor agreements set forth minimum standards to which individual employment agreements must conform. In the absence of agreement between the parties, the courts may step in to determine fair wages on the basis of practice in related activities or related collective agreements.

Basic health and safety standards and guidelines for compensation for on-the-job injury are set forth in an extensive body of law and regulations. In most cases, these standards are exceeded in collective bargaining agreements.

Under current legislation, no child under 15 years of age may be employed (with some specified exceptions). The Ministry of Labor, having consulted with the labor organizations, may exceptionally authorize the employment on specific jobs of children over 12 years of age. The minimum age is 15 for men employed in dangerous, fatiguing, and unsanitary work; 16 for men employed: underground; in quarries, mines, and tunnels without mechanical vehicles; in weight lifting and carrying; in loading and unloading sulphur ovens in Sicily; and in occupations harmful to the workers' morale. No worker under 18 years may be employed in driving and pulling trucks and carriages, or in jobs for the manufacture, handling, and salvaging of explosives. No women, regardless of age, are permitted to be employed underground, in quarries, mines, or tunnels. Only women over 21 are allowed to work on dangerous, fatiguing, and unsanitary jobs, on the cleaning and servicing of engines, or on moving machinery.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ITALY

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	10.0	1.7	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	10.0	1.7	0.0
A.AID	10.0	1.7	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	10.0	1.7	0.0
(SEC.SUPP.ASSIST.)...	10.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & MFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	10.0	1.7	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	10.0	1.7	0.0
OTHER US LOANS.....	145.5	0.0	0.0
EX-IM BANK LOANS.....	145.5	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	0.0	0.0	0.0	399.6
IBRD	0.0	0.0	0.0	398.0
IFC	0.0	0.0	0.0	1.0
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.0	0.0	0.0	0.2
OTHER-UN	0.0	0.0	0.0	0.4
EEC	0.0	0.0	0.0	0.0

LATVIA*

An independent Baltic state between the two World Wars, Latvia was annexed by the Soviet Union in 1940 as a constituent republic of the U.S.S.R. The United States does not recognize the forcible incorporation of Latvia into the U.S.S.R.

Latvia is subjected to the same centralized rule, the same Constitution and judicial system, the same restrictions on civil and political liberties, and the same police controls as the republics in the Soviet Union. Moreover, Soviet policy toward the Latvian nation arouses great concern because the process of Russification threatens its survival as a distinct ethnic group. The influx of Slavic migrants has reduced the proportion of Latvians in Latvia to only 53 percent of the total population. In Riga, the capital of Latvia, Latvians comprise 41 percent of the total population.

Like the other Baltic states, Latvia is regarded as economically better off than most areas of the Soviet Union. This is beginning to change, however, as the central authorities divert scarce resources to less developed areas.

Human rights violations by the authorities continued in 1986. Expressions of national consciousness were harshly repressed. The state of religious liberty continued to deteriorate as the authorities harassed the clergy and lay leaders of several faiths. Latvians active in human rights issues continued to face persecution and arrest.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Several Latvian activists have died in Soviet custody in recent years, although no deaths were reported in 1986.

b. Disappearance

There were no known cases of permanent or prolonged disappearance.

c. Torture or Cruel, Inhuman, or Degrading Treatment or Punishment

Throughout the Soviet system, cruel and inhuman treatment of political prisoners occurs during both interrogation and confinement to labor camps, prisons, or psychiatric hospitals. Physical and psychological abuse of prisoners is common, as is detention under extremely unhealthy or otherwise onerous conditions. For example, Zakhar Zunshain was beaten so badly upon arrival at the Irkutsk labor camp that he suffered broken ribs and damage to his kidneys.

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* Given Soviet control over all aspects of life in Latvia, the systemic human rights abuses described in the report on the U.S.S.R. apply also to Latvia. This report discusses only instances of repression specific to Latvia.

d. Arbitrary Arrest, Detention, or Exile

Soviet legal provisions are written and interpreted so broadly that Latvians may be arrested and convicted for exercising basic human rights.

e. Denial of Fair Public Trial

As in the Soviet Union, the Communist Party subverts constitutional guarantees of the objectivity and independence of the judicial process in political cases. The self-determined compelling needs of the State override the rights of a defendant.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Through the use of informers, mail censorship, electronic monitoring of telephones, and other devices, government authorities have the ability, widely exercised, to interfere in every aspect of personal life. Constitutional guarantees to the contrary, Soviet investigative agencies do not abstain from forced entry and illegal searches.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for most internationally accepted political liberties as long as their exercise accords with the strengthening and security of the "Socialist" system. In practice, the authorities do not tolerate freedom of speech and press or any dissident behavior.

In September 1986, Latvians in and near Riga received unprecedented exposure to differing points of view on Soviet-American relations and related issues. For 6 days, the Soviet Friendship Society was host to the bilaterally sponsored "Chautauqua" Conference in the coastal city of Yurmala, near Riga. Latvian television, also received in Estonia and Lithuania, provided an hour or more every night from the conference discussions and broadcast five concerts by American performers as well. However, highly selective reporting of sensitive issues by the central television and press, together with warnings to local inhabitants against contact with conference delegates, reflected continued Soviet denial of the right to receive other than officially approved information.

b. Freedom of Peaceful Assembly and Association

The right of association is provided for in the Constitution, but the authorities strictly control all associations and organizations. Latvians peacefully celebrating Latvian independence day are subject to arrest. Foreigners visiting their Latvian relatives are frequently interrogated and harassed.

As noted previously, Soviet authorities made repeated and concerted efforts to control contacts between American Chautauqua delegates and unofficial Latvians. These attempts largely failed, however, due to the high profile of the conference and Soviet unwillingness to take dramatic restrictive actions which would have spoiled the conference's atmosphere.

LATVIA

Soviet labor law and practice are enforced in Latvia. Although the Constitution guarantees all Soviet citizens the right to form trade unions, any efforts by workers to exercise this right independently of state-sponsored and controlled unions have been brutally repressed.

c. Freedom of Religion

Despite constitutional guarantees, religious activity is the subject of systematic official harassment. Latvians were among the Soviet Pentecostalists who signed a 1986 appeal, sent to General Secretary Gorbachev and President Reagan, against constant harassment and continued refusal of exit visas. Members of the Roman Catholic, Baptist, and Seventh-Day Adventist churches also appear to have encountered more difficulties with the authorities than the larger Lutheran church, perhaps because of their outspokenness. One Lutheran pastor was reportedly released this year after serving only 1 year of a 5-year sentence for "anti-Soviet agitation and propaganda." The release followed his public renunciation of his "subversive" views. On the other hand, Lidija Doronina-Lasmane, a Baptist, remains in a prison camp in Mordovia.

Although Latvian Jews suffer marginally less harassment than other Jewish communities in the Soviet Union, the community remains widely restricted in its ability to practice Judaism and to educate its youth. One Jewish refusenik activist, Zakhar Zunshain, was sentenced to a labor camp in March 1984 for "slander of the Soviet State." Although his health has deteriorated markedly, prison authorities have reportedly threatened to invoke a recently implemented law to extend his sentence indefinitely.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Soviet authorities do not respect the right of emigration. The granting of permission to emigrate from Latvia is arbitrary and subject to increasing restrictions. The authorities harass Latvians whose desire to emigrate is known by denying them work in their specialty, by excluding them from educational institutions, and by other punitive measures.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

As in other areas under Soviet control, political activity outside the Communist Party is not tolerated.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Soviet Government rejects any foreign criticism of its human rights record, maintaining that all internationally recognized human rights are fully protected. Its attitude toward investigation of the human rights situation in Latvia is uncompromisingly negative.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Since its annexation, Latvia, with its population of about 2.5 million, has become an industrial workshop and trading

center for the Soviet Union. The process of industrialization was accompanied by a large influx of Slavic workers from elsewhere in the Soviet Union because of Latvia's small labor force and low birth rate.

The large proportion (about 47 per cent) of non-Latvians in the population has placed the Latvian language and culture in jeopardy. Lacking an internal rallying point, such as the Roman Catholic Church provides for Lithuanians, Latvians face poor prospects in their efforts to preserve their cultural traditions.

Women nominally enjoy the same legal rights as men. An extensive system of day-care service and maternity benefits enable women to obtain and retain employment outside the home. However, women generally hold less remunerative positions in most professions.

CONDITIONS OF LABOR

The statutory minimum age for the employment of children in 1986 was 16, and the standard workweek was 40 hours. The minimum wage was set at $112 per month at the official rate of exchange. According to the latest official data, the average wage is about $272 per month. Soviet law requires, in general terms, healthy and safe working conditions, but they usually fall short of Western standards.

LITHUANIA*

Lithuania, the largest of the three Baltic states, was forcibly annexed by the Soviet Union as a constituent republic of the U.S.S.R. in 1940 after having enjoyed independence between the two World Wars. The United States does not recognize this forced incorporation of Lithuania into the U.S.S.R.

Lithuania is subjected to the same centralized rule, the same Constitution and judicial system, the same restrictions on civil and political liberties, and the same police controls as the republics of the Soviet Union. The non-Lithuanian segment of the population, now estimated at about 20 percent, has been growing in recent years as a result of official settlement policy.

As in the other Baltic states, the standard of living in Lithuania is somewhat higher than the Soviet average. Agricultural and industrial production increased in 1986, but Soviet redistribution policies continued to force down Lithuanian living standards toward lower all-union levels.

Official disregard for human rights in Lithuania continued in 1986. Soviet authorities continued their campaign against human rights activists and against the Roman Catholic Church, which is preparing for the 1987 celebration of the 600th anniversary of Christianity in Lithuania.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Although Lithuanian activists have on occasion died in Soviet custody, it is often impossible to prove official responsibility for the deaths of persons involved in human rights activities. On February 6, 1986, Father Juozas Zdebskis was killed in a mysterious car accident which reminded many of the 1980-81 deaths under similar circumstances of other priests involved in human rights activities. Zdebskis had been warned on several occasions by Soviet officials to cease his work for the Catholic Committee for the Defense of Believers' Rights.

b. Disappearance

There were no known instances of permanent or prolonged disappearance.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Political dissidents are frequently mistreated during interrogation or confinement in labor camps, prisons, or psychiatric hospitals. Persons accused of publishing or

* Given Soviet control over all aspects of life in Lithuania, the systemic human rights abuses described in the report on the U.S.S.R. apply also to Lithuania. This report discusses only instances of repression specific to Lithuania.

distributing underground publications receive harsh sentences, including terms in prisons or labor camps, exile, or commitment to psychiatric hospitals. The typical charge is "anti-Soviet agitation and propaganda." For example, Lithuanian Helsinki Group member Victoras Petkus, imprisoned for human rights activities in 1977, has reportedly been in bad health since serving a term in a labor camp in 1983-84. There has been no direct news of Petkus since August 1983, but the 1986 release of Anatoliy (Natan) Shcharansky, who shared a cell with Petkus for 16 months early in their sentences, provided added information as to Petkus' unhealthy condition at that time.

Lithuanian activists continue to focus on the August 22, 1985 attack on Father Vaclovas Stakenas, a member of the Catholic Committee for the Defense of Believers' Rights. The attack has been compared to that which resulted in the death of Father Popieluszko in Poland in 1984.

d. Arbitrary Arrest, Detention, or Exile

The provisions of Soviet law are so broadly worded that they have been used to prosecute persons exercising basic human rights.

e. Denial of Fair Public Trial

As in the Soviet Union, the Communist Party subverts constitutional guarantees of the objectivity and independence of the judicial process in political cases. The self-determined "compelling needs of the State" override the rights of a defendant.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Informer networks, censorship of mail, electronic monitoring of telephones, and jamming of foreign radio broadcasts enable government authorities to interfere in nearly every aspect of personal life. Constitutional guarantees to the contrary, Soviet investigative agencies do not abstain from forced entry and illegal searches. Contacts between Lithuanians and foreign visitors are strongly discouraged, and those who maintain such contacts are subject to harassment by the authorities.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for most internationally accepted political liberties, provided that their exercise does not challenge or differ from the interests of the party and State. As is shown by the frequent imprisonment of religious leaders, human rights activists, and those involved in underground publications, Soviet officials have little respect for freedom of speech and press. The degree of their sensitivity to uncontrolled printing operations was revealed in a January 21 report in the newspaper Sovyetskaya Kultura regarding the discovery of a 7-year-old underground printing operation in Gargzdai in northwest Lithuania. Five persons involved were arrested, tried, and sentenced for up to 3 years for having printed religious cards, calendars, and prayerbooks--all designated by the authorities as "contraband." Underground publications which appear regularly

include the Chronicle of the Catholic Church in Lithuania, Ausra (Dawn), Tautos Kelias (The Path of the Nation), Lietuvos Ateitis (Lithuania's Future), and Perspektyvos (Perspectives).

b. Freedom of Peaceful Assembly and Association

The right to associate freely is provided for in the Constitution, but the authorities strictly control all associations and organizations.

Soviet labor laws and practices are enforced in Lithuania. Although the Constitution guarantees all Soviet citizens the right to form trade unions, any efforts by workers to exercise this right independently of state-sponsored and controlled unions have been brutally repressed. Given Soviet concern that the ideas of the Polish Solidarity trade union movement might spread, this has been especially true in Lithuania, which has close historical ties to Poland and the Catholic Church.

c. Freedom of Religion

Despite constitutional guarantees, religious activists are subject to systematic harassment. Soviet authorities have apparently mounted a large-scale assault on all religious activists not controlled and sponsored by the State, with special emphasis on the Lithuanian Catholic Church. Soviet officials reportedly have taken control of church committees and excluded priests from some of these bodies. Because of officially imposed limits on admissions to Lithuania's only theological seminary, over 100 parishes are said to be without a permanently assigned pastor. Children are routinely harassed to deter them from attending church services. In school the children of believers are sometimes forced to join atheist organizations on threat of punishment. Catholics attending religious festivities have been interrogated and physically abused, and historic shrines and artifacts have been desecrated.

Because of the difficult conditions created by government reprisals and threats, the group calling itself the Lithuanian Catholic Committee for the Defense of Believers' Rights has been forced to go underground. In the last 3 years, three members of the group have been convicted of anti-Soviet agitation and propaganda or disrupting public order. Fathers Jonas Matulionas, Alfonsas Svarinkas, and Sigitas Tamkevicius are still in prison. A young Catholic student, Roman Zemaitis, was tried and convicted with Matulionas and is serving 2 years in a labor camp.

Despite these convictions and continuous attempts to suppress its activities, the Catholic Church remains active and vigorous. The 70th issue of the Chronicle of the Catholic Church in Lithuania (dated April 23, 1986) carried a 1985 protest from 127 Lithuanian priests to General Secretary of the Communist Party of the Soviet Union Gorbachev which charged the Soviet regime with failure to comply with Lithuanian law, the Soviet Constitution, Article 18 of the Universal Declaration of Human Rights, and Section VII of the Helsinki Final Act. They specifically criticized Soviet actions which "morally terrorized" children of religious parents for attending church, suppressed church rites and religious education, controlled the appointment of priests and bishops, and prosecuted activist priests and believers.

Another attack on Soviet policies surfaced in a November 11, 1985, declaration from the bishops and administrators of several Lithuanian dioceses who decried the lack of catechisms, Bibles, and other religious materials resulting from official restrictions.

The Lithuanian church (comprising both coopted officials and unofficial activists) is busy with preparations for the 1987 celebrations marking the 600th anniversary of Christianity in Lithuania. There is hope that Pope John Paul II might attend. Several large gatherings are planned, although there is fear that Soviet authorities might restrict or totally forbid them, as has happened in the past for smaller religious festivities.

The officially controlled press in 1986 criticized Eastern cults, such as Zen Buddhism, for their evil influence on Lithuanian society. One reason for this publicity was the 1985 murder of an Uzbek movie actor, director, and karate champion in Vilnius by a teacher of mysticism and his associates who were traveling in Lithuania among their devotees. The press has also cited Islam and the Hare Krishna sect as posing a danger.

Several small, unregistered Protestant sects have also been the object of severe Soviet harassment including threats that young children will be taken away from religious parents.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Emigration from Lithuania has virtually stopped during the last 3 years. Although many Lithuanians have close relatives abroad, Soviet authorities use various vague phrases, such as "against the interests of the State," in order to refuse emigration requests. The authorities try to deter people from even applying to emigrate by threats of dismissal from employment, psychological harassment, and alteration of the procedures for exit visa applications. One Lithuanian, whose claim to American citizenship is recognized by the United States Goverment, is Vytautas Skuodis, a member of the Lithuanian Helsinki Watch Group. Skuodis has been serving a sentence of 7 years in labor camp and 5 years in internal exile since 1980 in connection with his human rights activities.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Communist Party attempts to direct and control all political, economic, cultural, and social developments in the Soviet Union. It is defined in law as the "leading and guiding force of Soviet society" and is the only political party that is tolerated.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Rejecting foreign criticism of its human rights record, the Soviet Government argues that it fully protects all internationally recognized human rights. It will not permit any investigation of the human rights situation in Lithuania. Authorities have arrested Lithuanians who have attempted such investigations and have routinely harassed foreign visitors

(and their local interlocutors) who show an interest in investigating human rights abuses.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The relative homogeneity of Lithuania's population, its strong sense of national identity, and the binding force of the Lithuanian Catholic Church have helped to preserve many of the country's social and cultural traditions. Nevertheless, the disruptive effects of an antireligious ideology, forced collectivization, and a policy of industrialization have been severe. Rigid controls on cultural and religious expression have forced many Lithuanians into underground activity. A reduction in the amount of Lithuanian language instruction at the primary level in 1982, with a corresponding increase in the teaching of the Russian language and Russian history, has aroused fear that the groundwork is being laid for cultural and eventual linguistic Russification of Lithuania.

Non-Lithuanians total about 20 percent of the population, and their proportion has been growing in recent years, especially as Slavic migrants are drawn to the relative prosperity of Lithuania compared to their ethnic home areas within the Soviet Union.

Women nominally enjoy the same legal rights as men. An extensive system of day-care service and maternity benefits enable women to obtain and retain employment outside the home. However, women generally hold less remunerative positions in the professions than men.

CONDITIONS OF LABOR

The statutory minimum wage for the employment of children in 1986 was 16, and the standard workweek was 40 hours. The minimum wage was set at $112 per month at the official rate of exchange. According to the latest official data, the average wage was about $272 per month. Soviet law requires, in general terms, healthy and safe working sonditions, but these conditions usually fall short of Western standards.

LUXEMBOURG

Luxembourg is a constitutional monarchy with a parliamentary form of government. Executive power is vested in the Grand Duke and a cabinet consisting of nine ministers. Legislative power rests with the Chamber of Deputies, elected every 5 years. Bills are submitted for advice to the 21-member Council of State appointed by the Grand Duke.

Police forces are organized by municipal authorities. The Gendarmerie is responsible for security throughout the country.

Luxembourg's highly developed economy and free enterprise system place heavy emphasis on steel production, financial services (especially banking), radio and television broadcasting, and tourism.

With its long tradition of democratic government, Luxembourg ensures that human rights are respected at home and works actively to promote human rights internationally. Luxembourg continues efforts to treat its large foreign population fairly. The independent labor unions are prominent in decisionmaking, in both industrial relations and government policies.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for Integrity of the Person, Including Freedom from:

a. Political Killing

Killing for political reasons by the Government or opposition political organizations is unknown in Luxembourg. The mysterious bombings directed against public buildings and facilities in 1985 continued in early 1986, resulting in property damage but no personal injuries. One bomb exploded outside the home of the retired chief of the Gendarmerie. No group has claimed responsibility for the bombings. Thus far there is no evidence linking the bombings to international terrorist groups.

b. Disappearance

Governmental or officially sanctioned abduction or secret arrest did not occur.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by law and is not practiced. Prisoners are fairly treated, are free to choose their own attorneys, and are allowed visitors. Luxembourg has a modern prison facility.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest is guaranteed by law and respected in practice. Luxembourg law is a composite of local practice, legal tradition, and foreign systems--French, Belgian, and German. Preventive detention does not exist. Defendants must be charged no later than 24 hours after arrest. Persons can be incarcerated pending trial, if so ordered by a judge. Exile is not imposed, nor is there forced labor.

LUXEMBOURG

e. Denial of Fair Public Trial

Luxembourg's judiciary is independent and free from executive or military interference. There are military courts, but civilians are not subject to their jurisdiction. All defendants have the right to legal counsel. Criminal charges are formally and clearly stated.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Police must have a warrant, issued by the judiciary, to enter a private home. Statutes prohibit other violations of the home such as demolition, sealing doors and windows, and electronic surveillance. The privacy of correspondence is universally respected.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and press. Except for reasonable legal restrictions against pornography, there is no media censorship. The Government does not interfere with public criticism or academic inquiry.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association is guaranteed by the Constitution and respected in practice. There are no limitations on orderly public meetings. No groups are denied the right of free assembly.

Unions have the right to organize, negotiate, and strike, although strikes are virtually unknown. Unions participate as equal partners in a tripartite arrangement with the Government and employers in all decisionmaking affecting the economy and workers' welfare. The two largest industrial unions are linked to, but organized independent of, Luxembourg's Socialist Party and Christian Social Party respectively. A large percentage of the work force belongs to labor unions, but membership is in no case compulsory. Unions and professional groups maintain unrestricted contact with international bodies in their fields.

c. Freedom of Religion

Luxembourg does not have a state religion, and there is no discrimination against practitioners of any religious faith. The population is statistically 99 percent Roman Catholic. A consensus with church teachings often surfaces on social issues; for example, there is no government funding for abortions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on movement within Luxembourg, foreign travel, or emigration and repatriation. There are no barriers to applicants for immigration from countries of the European Community (EC), with the exception of Portugal. The status of Portuguese citizens in Luxembourg--since 1970, Luxembourg has had a large Portuguese population--is guaranteed by bilateral agreements and their right to immigrate is now determined by the terms of Portugal's

accession to the EC in January 1986. Although Luxembourg is not a country of first application for refugees, government officials believe that, on a per capita basis within the EC, relatively liberal numbers of refugees (notably Vietnamese) have been admitted. Once admitted, refugees benefit from state social programs and are well treated.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

All Luxembourg citizens 18 years of age and older may participate in national and local elections. Luxembourg's sizable foreign resident population (26 percent) does not have the right to vote, although it enjoys other civil and political rights, including the rights of free speech, press, assembly, movement, and religion. Foreign residents may also join organizations such as labor unions, which exert considerable indirect influence on the political process. Women holding prominent political positions include the leader of the opposition Liberal Party and the mayor of Luxembourg City.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Luxembourg governments have consistently supported international and nongovernmental investigation of alleged violations of human rights. The Red Cross, Amnesty International, and the United Nations High Commissioner for Refugees have representatives in Luxembourg.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Luxembourg is notably free of general forms of discrimination. Adequate food, shelter, health care, and education are available to all inhabitants regardless of race, religion, sex, ethnic background, or political opinion. Women in increasing numbers participate in the political process and in the financial and business communities, although few women in Luxembourg are senior executives.

CONDITIONS OF LABOR

The right to work is guaranteed to every Luxembourger by the Constitution. Luxembourg has one of the highest per capita incomes in the European Community, with workers and their families enjoying a decent living standard. Luxembourg law adequately protects the safety and health of workers. The normal workweek is 40 hours, spread over 5 workdays. Work on Sunday is generally prohibited, except in continuous process industries (e.g., steel and chemicals) and for certain individuals, such as maintenance and security personnel. The employment of children under the age of 16 is prohibited.

Worker representatives are required in all businesses of 15 or more employees. In businesses with over 150 employees, 50 percent of the joint works councils are elected by the employees. In businesses with more than 1,000 employees, one-third of the membership of the boards of directors must be employees or their elected representatives.

MALTA

Malta is a constitutional republic with a parliamentary government elected on the basis of universal suffrage. Executive power is vested in a President who appoints as Prime Minister the leader of the party which gains the most seats in the quinquennial election for the unicameral legislature. The outcome of the December 1981 election, in which the Nationalist Party won 51 percent of the popular vote while the Labor Party, in part because of the redrawing of electoral districts, took a majority of parliamentary seats, has caused prolonged and persistent domestic political contention.

The Maltese economy is dependent on export manufacturing, tourism, and other service industries. In 1985 Malta had a per capita gross national product of $3,056.

During 1986 there were at least two allegations of police beatings or ill-treatment of prisoners. Several criminal cases, which had begun in earlier years, were dismissed by the courts because of police mistreatment of the accused. In December 1986, a police officer was found guilty of inhuman and degrading treatment of a detainee.

During the campaign for the general elections, which are to take place by May 1987, there were a number of instances of political violence, including the death of one Nationalist Party activist.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

On December 5, 1986, Ray Caruana, a Nationalist Party activist, was shot and killed by an unidentified assailant at a Nationalist Party club in the village of Gudja. The Nationalist Party has charged that this shooting was politically motivated. Police investigations are continuing.

b. Disappearance

No cases of disappearance are known to have occurred.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits inhuman or degrading punishment. In December 1986, the Maltese court for the first time found a police officer guilty of inhuman and degrading treatment of a person illegally arrested for a brief period in 1983.

In another case, still before the court, two brothers have charged that, during a period of police interrogation in 1986, they were beaten and otherwise ill-treated by the police. There were also allegations that an Italian citizen incarcerated in the Maltese prison was beaten. Although prison guards deny the charge, other prisoners support the allegation. All agree that the prisoner was left naked in his cell during the winter. According to the Government, this was to prevent him from committing suicide; according to others, it was to humiliate him.

In response to allegations that certain persons in Malta's prison had been beaten or otherwise treated in an inhumane manner, the Prime Minister appointed a distinguished retired judge to investigate prison conditions. This investigation has not been completed.

In at least one case, begun in a previous year, the court for the first time ruled as inadmissible a confession signed by an accused on the ground that it had been obtained involuntarily by the use of force during police interrogation. Nevertheless, the accused was convicted on the basis of other evidence. No disciplinary action is known to have been taken against the police. In another case, the court, because of conditions of police interrogation, dismissed all charges against an accused who had signed a confession. In several cases, begun in previous years, and still before the courts, accused persons have charged that they were beaten and otherwise abused during police interrogation.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest or detention is provided for in the Constitution and generally respected in practice. There are no known political prisoners or persons in political exile. Any police officer above the rank of inspector may issue an arrest warrant without need of a court order. The police may, on suspicion, arrest a person for questioning. Within 48 hours, persons so arrested must be brought before the courts and charged or released. Persons being so detained are not entitled to legal counsel. The practice of holding such persons for the maximum possible period, releasing them, and then detaining him for further interrogation after a short interval, continued in 1986. A number of members of Parliament, from both parties, have called for a stop to this practice, which appears to contradict the spirit, if not the letter, of the law.

The Constitution prohibits the use of any form of forced or compulsory labor, and this prohibition is respected in practice.

e. Denial of Fair Public Trial

The Constitution guarantees a fair public trial before an impartial court. The judicial system is constitutionally independent and, in general, appears to be free from political pressure. However, a number of political and constitutional cases originating in earlier years remain unresolved. Threats against the independence of the judiciary, referred to in previous years, did not recur. However, the courts' jurisdiction is limited in certain areas. Lay tribunals (e.g. the Industrial Tribunal, the Commissioners for Justice, and the Inheritance Partition Tribunal) have exclusive authority over certain judicial functions, although their independence is not legally guaranteed. Defendants in cases before the Industrial Tribunal or the Public Service Commission may not be represented by lawyers. Lawyers who are members of Parliament may not act as counsel in cases against the Government, although they may act as counsel for the Government. Maltese citizens do not have the right of individual petition to the European Court of Human Rights.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Protection of the privacy of the home is guaranteed in the Constitution and respected in practice. The opposition continues to charge that the Government carries out telephone tapping, although the Government has denied these allegations.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These freedoms are guaranteed by the Constitution and generally respected in practice.

An important development in 1986 was the appointment--following a gap of about 4 years--of the constitutionally mandated broadcasting authority, a body whose primary function is to ensure impartiality in broadcasting. As television and radio are state owned, this function is of great significance. Two private organizations applied in 1986 for licences to operate radio stations; both applications were denied. During 1986 the Nationalist Party began a court action seeking a reversal of the earlier rejection by the Government of the Nationalist Party's application for a license to operate a television and radio station.

The Foreign Interference Act, a portion of which the court declared during the year to be unconstitutional, makes it illegal for Maltese citizens or residents to participate in any broadcast from abroad to Malta and limits the freedom of speech of foreigners in Malta. Pending the outcome of the Government's appeal on this decision, the law remains in force. The act was invoked on September 22, 1986 against Andreas de Guttry, President of the European Young Christian Democrats, who had the previous day violated the law by addressing a Nationalist party mass meeting after his application to do so (required under the Foreign Interference Act) was denied. De Guttry was issued a summons for violating the law, and his departure from Malta was delayed by the police, acting without court sanction. His trial, in which the constitutionality of the Foreign Interference Act will again be challenged, is scheduled for December 1986. The Act was again invoked in November to prevent a Soviet dissident, who had been invited to Malta to participate in a students' seminar on human rights, from entering the country.

In a case originating in 1983, in which an architect employed by the Public Works Department had been suspended because an article he had written was published in the opposition press, the court ruled that the suspension was politically discriminatory and thus unconstitutional. The Minister of Public Works and senior civil servants connected with the case were found guilty of political discrimination and were ordered to reinstate the architect.

b. Freedom of Peaceful Assembly and Association

The right to peaceful assembly is guaranteed in the Constitution. In general, police permits are given for political meetings and other public activities of political parties or groups of citizens. However, in November 1986, the police withdrew a permit it had earlier issued for a planned Nationalist Party mass meeting. The Nationalist Party sought, and received, a court order to allow the mass meeting to be

held. In fact, the mass meeting did not take place because the roads to the village were blocked by persons who opposed the meeting, and when Nationalist supporters turned up in large numbers, a violent confrontation occurred in which a number of people were injured, some by gunshot wounds, and a large amount of property was damaged.

Groups which gather for the purpose of protesting government policies or actions have occasionally been attacked by persons who were apparently government supporters. The police, although usually present, have sometimes failed to avert violence. In July 1986, a group of citizens held a peaceful demonstration, after having obtained the required police permit, to protest water shortages. The police failed to stop opponents of the demonstration from attacking and beating a number of demonstrators. The Deputy Commissioner of Police, who was at the scene, was also attacked by one of the opponents of the demonstration. At least one policeman was later arraigned for beating some of the demonstrators. On a number of occasions, the police failed to restrain those persons who attacked and heckled speakers at public political gatherings of the Democratic Party.

Trade unionists and various interest groups freely exercise the right to set up associations. The right to strike or take other industrial action, however, is not specifically guaranteed and has, effectively, been greatly limited for employees in the public sector, who constitute a large proportion of the work force. The General Workers Union, the largest labor organization, has been statutorily fused with the ruling Malta Labor Party since 1978. There are also several independent unions which since 1983 have been excluded from the official Maltese delegation to the International Labor Organization (ILO). Nevertheless, these independent unions have attended ILO meetings on their own. In March 1986, the ILO Committee on Freedom of Association published a report charging that the Government of Malta, in violation of the ILO's Convention, has infringed upon the right of workers to organize and bargain collectively. The Committee recommended that the Government of Malta establish joint negotiating machinery for public service employees and called upon the Government "to give effect to the principles of freedom of association concerning the avoidance of a climate of violence involving attacks of trade unionists and trade union property."

c. Freedom of Religion

The right to practice the religion of one's choice is constitutionally guaranteed and respected. The overwhelmingly dominant religion is Roman Catholicism, although there are small numbers of people who belong to other religions. In 1986 the strained relationship between the Government and the Roman Catholic Church improved considerably. The Holy See appointed a Nuncio, whose arrival in February 1986 ended an 8-year period of strained and lower-level diplomatic relations. An interim agreement was reached and signed in July on the financing and operation of church-sponsored private schools. Under the terms of agreement, the Government is providing significant financial assistance to these schools while negotiations aimed at reaching a definitive agreement continue.

MALTA

Two longstanding cases involving church property and schools were still not resolved definitively.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on movement within the country, foreign travel, or emigration. Maltese emigrants who return to Malta are not automatically entitled to regain their Maltese citizenship but must apply to the office of the Prime Minister. In most cases such applications are acted upon favorably. Malta does not take in or repatriate refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Political activity and partisan feelings run high in Malta. In the last parliamentary elections (1981), more than 95 percent of registered voters actually voted. In that two-party contest the Nationalist Party, although it received a majority of the popular votes, failed to win a majority of parliamentary seats. While this anomalous outcome is constitutionally possible, the Nationalist Party has charged that the most fundamental right, that of citizens to change their Government, is threatened. The next elections must be held not later than May 1987, and campaigning by both the Labor and Nationalist Parties, as well as the newly-formed Democratic Party, is under way. Meetings of the Parliamentary Select Committee, established in 1985 for the purpose of reaching an agreement on the voting system, broadcasting, and a number of other related issues, were suspended in 1986 without having achieved any concrete results. However, prospects for a settlement of these issues were under review in Parliament. TV Malta is transmitting a series of political broadcasts, sponsored by the broadcasting authority. The Electoral Commission (members of which were appointed during 1986 following a period during which the commission had languished), is in the process of updating electoral district boundaries and carrying out other responsibilities in connection with the upcoming elections.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The indigenous human rights group, HIELSA, continues to be active in pointing out alleged human rights violations. There is also a Maltese branch of the International Society for Human Rights. Although those segments of the press which are sympathetic to the Government frequently criticize HIELSA, the Government has not prevented this organization from functioning, and its charges are frequently reported in several prominent newspapers. Several international human rights organizations voiced criticisms to which the Government is not known to have responded.

The International Center for the Independence of Judges and Lawyers, commenting in November 1986 on the church schools case (noted above), has censured the Government of Malta "for seriously undermining the independence of the judiciary and damaging public confidence in the courts."

MALTA

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

According to the Constitution, a fundamental aim of the Government is to make available the highest levels of education and social welfare to all citizens. Both the Government and opposition support citizens' basic rights to own property, to work with just conditions and remuneration, to maintain a standard of living adequate for health and well-being, and to receive universal education. Public economic and social services are extended on a nondiscriminatory basis. However, charges persist of partisan favoritism in the allocation of public housing, telephone services, and import and export licenses.

Women may participate freely in social and political life, although they are underrepresented in politics, the professions, and management. Modifications in certain laws, debated in Parliament during 1986 but not yet enacted, as well as a dramatic increase in the number of women attending the University of Malta, the country's only institution of higher education, are expected to increase the proportion of women in positions of leadership in both the public and private sectors.

CONDITIONS OF LABOR

The minimum age for the employment of children is 16. Although Maltese law guarantees acceptable conditions of work, including minimum wages, maximum hours of work, and provision for occupational safety and health, disputes about workers' conditions are dealt with by an industrial tribunal and not the law courts. Proceedings of the Industrial Tribunal, in which complainants may not be represented by legal counsel, have been described in the International Helsinki Federation of Human Rights report as "unjust" because of a number of decisions by the Tribunal in which workers' rights were not considered to have been adequately protected.

Maltese law specifies that there can be no wage disparity between men and women. While there is thus no wage discrimination, women, upon marrying, lose any previously accrued pension benefits.

THE NETHERLANDS

The Netherlands is a parliamentary democracy under a constitutional monarch. A special feature of the Dutch political system is nationwide proportional voting for Parliament, where the full range of the political spectrum is represented.

The Dutch have a free market economy with an extensive social welfare system providing a relatively high level of social benefits.

The Dutch attach great importance to human rights in their foreign and domestic policies. Internationally recognized rights are protected by Dutch law and respected in practice. There were two significant recent developments. In 1986 for the first time in Dutch history, all legal residents, including foreign workers legally resident in the Netherlands for at least 5 years, were permitted to vote in municipal elections. In 1985 the Government established a National Advisory and Consultation Board on Minority Policy, chaired by the Minister of Internal Affairs and including the representatives of seven ethnic minority groups. The Dutch Government recognizes the right of this body to advise it in all matters of minority policy.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Killing for political motives by government or domestic political groups did not occur.

b. Disappearance

Abductions, secret arrests, and clandestine detention by police or other official security forces did not occur.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and cruel or inhuman punishment are prohibited by law and do not occur in practice. Prison conditions are good by international standards.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest and imprisonment is guaranteed by law and respected in practice. There are no political prisoners in The Netherlands. A right of release from detention exists in practice. Preventive detention is permitted only in times of emergency, upon declaration, for a limited time, by national or municipal authorities. This power is used infrequently, and normally a person can be held no longer than 6 hours unless charges are brought. Exile is unknown in The Netherlands. There is no forced labor.

e. Denial of Fair Public Trial

The right to a fair public trial is guaranteed by law and respected in practice. Defendants have the right to counsel, and a system of free or low-cost legal assistance exists for

those unable to pay for such counsel. Charges must be formally stated. The judiciary is independent, with a functioning appeals process and a Supreme Court.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

A judicial warrant is required to enter a person's home or to monitor private correspondence. The State respects individual freedom of choice in family matters.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and press. A feature of media policy is the allocation of broadcasting time to all social and political groups, which ensures that minority viewpoints are heard.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly and association is not restricted. Various private interest groups exist and play an active role in the political process.

The right of unions to organize and bargain collectively is well established. The active trade union movement includes in its membership approximately 30 percent of the employed labor force. Unions are entirely free of government and political party control and may participate in political life. They are free to maintain relations with recognized international bodies in their fields. All union members, except civil servants, have the legal right to strike. Negotiations between the civil service unions and the Government take place in a legally established central negotiating body.

c. Freedom of Religion

There is full freedom of religion. State subsidies in the educational field are provided to religious organizations which maintain educational facilities. The amount of the subsidy is based on the number of students attending the schools, subject to limitations on the nation's budget for public schools.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is freedom of domestic and foreign travel, emigration, and repatriation. Restrictions are not placed on residence.

The Netherlands has provided first asylum for refugees from Eastern European countries and permanent resettlement for a limited number of persons (the quota for "invited" refugees was increased from 250 to 500 per year in 1986), principally from Vietnam and Iran.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Netherlands is a functioning multiparty democracy. Nationwide elections are held every 4 years (or more frequently

in the event of a parliamentary vote of no confidence). In the most recent elections in May 1986, the center-right coalition, which has been in power since 1982, was reelected. Political parties are numerous (10 have seats in Parliament) and represent all points of view, from the far right to the far left. Women have full political rights and are increasingly represented in political life. Approximately 20 percent of the members of the lower house of Parliament are women.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In recent years The Netherlands has been the subject of charges by the local chapter of Amnesty International concerning human rights violations in connection with alleged government stringency in the enforcement of laws concerning the admission and stay of asylum-seekers. In most instances the Government has been able to satisfy Parliament and the public that individuals excluded from the country or repatriated were not bona fide political refugees but rather undocumented aliens or persons seeking economic betterment.

For example, in its 1986 Report (covering the year 1985), Amnesty International expressed its concern about the January 1985 involuntary return by The Netherlands of 45 Tamils to Sri Lanka. According to Amnesty International, the Tamils had reason to fear that they would be arrested, mistreated, or even killed upon their return to Sri Lanka. The Government informed Amnesty International that the Tamils did not at any time request asylum or express fear of persecution. The Netherlands Government stated that existing procedures contained sufficient safeguards for persons requesting asylum. The Parliament in 1985 extensively debated the incident but did not disapprove the Government's handling of the incident.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The welfare state is well established. There is an extensive system of cash and tax benefits to assist the needy, including the unemployed and the handicapped, and to provide adequate educational and health opportunities to all citizens and permanent residents. Even asylum-seekers awaiting decision on their applications are granted free housing and modest welfare payments.

The problem of effectively integrating racial and ethnic minorities into national economic and social life remains the most difficult issue related to human rights confronting the Government. Thousands of persons from the former Dutch colony of Suriname and the Netherlands Antilles have come to live in The Netherlands during the past decade. In addition, there are significant numbers of foreign workers and their families, mostly from Turkey and Morocco. These groups face some overt private discrimination in housing and employment, as well as practical limits on opportunities for social and economic advancement as a result of educational levels that are inadequate compared to those of the majority of Dutch citizens. Unemployment among minority groups runs significantly higher than among the population as a whole.

THE NETHERLANDS

There is a widespread fear among the Dutch that discrimination, prompted by recent difficult economic adjustments, is increasing. There have been isolated incidents of violence against persons for racial reasons during the past several years.

Government policy to combat discrimination is outlined in its 1983 "Minority Note," a comprehensive plan of action to address the problems of minorities in the fields of health, education, employment, and the law. The Government hopes that by 1988 the National Advisory Board on Minority Policy will be incorporated by legislation into the administrative structure of the country.

During 1986 the Government successfully implemented the pilot program for return migration set up in 1985. Financial assistance was provided to 1,000 persons who wished to leave The Netherlands for their home countries but who lacked the means to do so. The Government anticipates continuation of this program which, however, affects only a small minority of foreign-born workers.

Women enjoy full legal and political equality. In economic life, the entry of substantial numbers of women into the labor force occurred somewhat later in The Netherlands than in most Western industrialized countries. During 1986, however, women reached the average European Community rate of participation in the labor force.

CONDITIONS OF LABOR

Dutch law adequately protects the safety and health of workers. The average workweek for adults is 38 hours. Workers 18 years and older receive a minimum paid vacation of 15 days per year. Full-time workers between the ages of 16 and 18 receive a minimum paid vacation of 20 days per year. Wages are sufficient to provide a decent living for workers and their families.

The minimum age for employment of young people is 16. At 16 years of age, youth may work full-time only if they have completed the mandatory 10 years of schooling. Children still in school at age 16 may not work more than 8 hours per week. Laws prohibit children under the age of 18 from working at night, overtime, or in areas which could be dangerous to their physical or mental development.

NORWAY

Norway is a constitutional monarchy and parliamentary democracy. King Olav V is the titular Head of State, but his role is mainly symbolic. Norway is governed by a Prime Minister, Cabinet, and a 157-seat Parliament (Storting) which is elected every 4 years and cannot be dissolved.

An advanced industrial state, Norway has a mixed economy combining private, public, and state ownership. Individual freedoms, such as freedom of association and of speech, and the right to pursue private interests and to hold private property, are guaranteed by the Constitution and respected in practice.

Deeply rooted democratic principles, a strong egalitarian tradition, a lively press, and highly developed educational and social welfare systems have made Norway a leading defender of human rights in the world. During 1986, domestic human rights issues included the rights of new immigrants, of those seeking political asylum, and of those who object to military service on political grounds. There was also a continuing concern for expanding opportunities for women.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political killing

Politically motivated killings have not occurred.

b. Disappearance

Secret arrests and detentions have not occurred.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and cruel, inhuman, or degrading treatment or punishment do not exist in Norway's humane penal system. The maximum sentence is 21 years. The emphasis in Norwegian prisons is on rehabilitation.

d. Arbitrary Arrest, Detention, or Exile

Norwegian law provides for arrest warrants, which are used except in circumstances such as hot pursuit. Persons may be detained for up to 4 hours without being charged. A person charged with a crime has the right, observed in practice, to appear before a judge for arraignment within 24 hours. If charges are formalized at the arraignment, the judge then determines whether the detainee should be kept in custody or released pending trial. A strong case must be made to justify detention. Possible grounds include fear of flight, the needs of the investigation, and fear that a detainee will commit further crimes.

Although a provision for bail exists in Norwegian law, it is rarely, if ever, used. A person in pretrial detention generally appears before a judge every 4 weeks for a new determination of the necessity of continued detention. There is no legal limit on the time a prisoner can be held before trial. Pretrial detention of more than a year is, however, rare. Preventive detention exists but is used

infrequently, as in the temporary detention of rowdy youth by police.

Forced or compulsory labor is not practiced.

e. Denial of Fair Public Trial

The right to a fair, public trial is guaranteed by law and honored in practice. Only in certain cases, including those involving state security or private family matters, are trials closed. In criminal cases, Norwegian citizens and aliens are entitled to free counsel of their choice, regardless of their income. In certain civil cases, indigent persons are guaranteed free counsel. Charges are stated formally and clearly. Except for the Labor Court, which mediates industrial relations disputes, the Civil Court is Norway's only judicial system and thus tries military and security cases as well. The judiciary is independent of both the legislative and the executive branches of government, as well as of the military.

During 1985 and 1986, the legality of imprisoning those refusing both military service and alternative civilian service became a public issue. Persons refusing both kinds of service have been held in prison for up to 16 months (a period equivalent to military service) without a trial. Detention is based on an administrative decision and not on a trial. Persons detained in this manner are considered soldiers who have refused duty and thus receive salary and benefits normally accorded to military recruits during this period of confinement.

In 1985 one case of a person detained without trial for refusing both military and alternative service was brought before the European Human Rights Commission which held a hearing for admissibility in the fall of 1985 and decided not to hear the case. In a similar case in 1986, one such objector was designated a prisoner of conscience by Amnesty International.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The privacy of the family and individual is free from arbitrary interference by the State. Police may conduct searches of the home only with court approval and in instances of hot pursuit or when they fear evidence is being destroyed. There were no allegations of forced official entry into Norwegian homes in 1986. In most cases wiretapping is prohibited by law, but it can be used in state security cases or narcotics offenses when officially approved by the court within carefully drawn and monitored legal guidelines. Correspondence may be opened only with authorization of the court in cases involving state security.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Norway's Constitution guarantees freedom of speech and press, and these freedoms are respected in practice. In addition to restrictions on slander and libel, Norwegian law forbids racist or sexist remarks in printed or public speech. No one may publish information concerning national defense which could prove damaging to Norwegian security.

NORWAY

Norway has an active and diversified press sustained in part by government subsidies. Television and radio have long been operated by one state-owned broadcasting company, but the Government does not exercise direct editorial control. In recent years an experimental program for local, low-power radio stations has been expanded throughout the country, and licenses have been granted to private groups to operate local cable television stations.

Certain limitations apply to freedom of public expression with respect to the showing of films. Films must be reviewed by the Norwegian State Film Control Board, which has the authority to censor or ban any film that is deemed overly violent, pornographic, or blasphemous. There is no evidence that any films have been censored because of political content.

b. Freedom of Peaceful Assembly and Association

Norwegians exercise these freedoms without restraint. Public demonstrations require advance permission which is routinely given.

Unions have the right to organize, negotiate, and strike. Government, however, has the right to invoke compulsory arbitration under certain circumstances, with the approval of the Storting (Parliament).

With membership totaling about 60 percent of the Norwegian work force, unions play an important role in Norway's political and economic life and are consulted by the Government on important economic and social problems. Although the largest trade union federation is associated with the Labor Party, all unions are free of party and government control. They maintain strong ties with international bodies such as the International Confederation of Free Trade Unions.

c. Freedom of Religion

The state church is the Evangelical Lutheran Church of Norway, which is financially supported by the State and to which 93 percent of the population belongs. There is a constitutional requirement that the King and half of the Cabinet belong to the state church. In addition, the Norwegian Work Environment Act permits prospective employers to ask job applicants in certain categories of work, such as positions which can influence child development, whether they respect Christian beliefs and principles.

Approximately 4 percent of the population are registered members of 20 other denominations which operate freely and may proselytize. No religious community is required to register with the Government unless it desires state support, which is provided to all registered denominations on a proportional basis in accordance with membership. Although the state religion is taught in all public schools, children of other faiths are allowed to be absent from such classes upon parental request. If there are enough students of the same faith, the school will arrange religion classes in that faith. Workers belonging to minority denominations are allowed leave for religious holidays.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government does not impede foreign or domestic travel, and Norwegians have full freedom of movement inside or outside Norway. The right to voluntary repatriation is guaranteed. Since 1945 the Norwegian authorities have granted asylum to over 12,000 persons, about half of them Vietnamese. During 1986 several human rights groups expressed concern over the adequacy of treatment given those seeking political asylum in Norway. Despite concerns caused by some individual cases, Norway has a well-organized system for managing refugee affairs--which includes advance planning, careful dispersion of refugees throughout Norway, and generous welfare, education, and vocational training programs.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Norway is a multiparty democracy ruled by an elected government. Six parties are represented in the Storting; distribution of seats is based upon proportional representation by district. The Storting may reject or modify government proposals; if a government loses a vote on a major issue of confidence, it resigns and a new government is formed. The minimum voting age is 18, and voter turnout in the 1985 parliamentary elections was almost 84 percent. Foreigners who have resided in Norway for at least 3 years and are otherwise eligible have the right to vote in local elections only.

While the Sami (Lapps) are the only significant minority (0.5 percent) with long residence in Norway, the influx of refugees and guest workers has produced other minorities. Neither the Sami nor any other ethnic minority is represented at present in the Storting. Women hold approximately 35 percent of Storting seats and 44 percent of cabinet positions.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Norway cooperates with nongovernmental investigation of alleged violations of human rights. In recent years, Norway has cooperated with both the European Human Rights Commission and the United Nations High Commissioner for Refugees. Norway is itself an active participant in international human rights organizations.

Within Norway, an Office of the Ombudsman provides a direct route for individual complaints against government agencies. A number of organizations monitor alleged human rights abuses either inside or, more often, outside the country. They include the Equal Rights Council (concerned with women's rights), the Immigrant Council, the Oslo Peace Research Institute, and the state-supported Human Rights Project. During 1985 an advisory council composed of government officials, legal experts, and representatives from nongovernmental organizations was formed to monitor human rights practices internationally.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Through a highly developed social welfare system that reflects a long tradition of egalitarianism, the Government provides

for the health, educational, retirement, and other needs of its people regardless of race, religion, sex, ethnic background, or political opinion.

Apart from an extremely small Finnish population in the northeastern corner of the country, the Sami (Lapp) people were Norway's only significant minority group until the influx of immigrants during the 1970's. In recent years, the Government has taken steps to protect the cultural rights of the Sami by providing Sami language instruction at schools in Sami-inhabited areas, radio and television programs broadcast or subtitled in the Sami language, and subsidies for the publication of newspapers and books oriented toward the Sami.

There is a lively political debate on whether current restrictions on non-Nordic immigration, in effect since 1975, are racially motivated and whether immigrant minority groups such as Pakistanis, Vietnamese, Turks, and Africans are in practice treated equally by Norwegian authorities. The Government provides legal protection for the rights of all minorities and has taken active measures to help these groups adjust to Norwegian society, including free Norwegian language instruction for any foreign resident.

Women form over 40 percent of the work force and are protected under the Equal Rights Law of 1978 and other regulations. A state Equal Rights Council monitors enforcement of the 1978 law, and an Equal Rights Ombudsman processes complaints of sexual discrimination. The Government provides liberal maternity leave and time off for either parent to care for their children.

CONDITIONS OF LABOR

Under the Working Environment Act, all employed persons are assured safe and physically acceptable working conditions. Children are not permitted to work full time before the age of 15. Ordinary working hours do not exceed 40 hours per week, and 25 working days of paid leave is granted per year (31 for those over 60). All workers are assured an adequate minimum wage, with standards set by the Government within each industry.

POLAND

Poland is ruled by the leadership of the Polish United Workers (Communist) Party (PUWP) headed by General Wojciech Jaruzelski. Jaruzelski is also the Supreme Commander of the Armed Forces in his capacity as Chairman of the National Defense Committee. In November 1985, General Jaruzelski became Chairman of the Council of State. He was succeeded as Chairman of the Council of Ministers by Zbigniew Messner, an economist. Two other parties, the United Peasants Party and the Democratic Party, are represented in the Government and the Sejm (parliament), but their representatives collaborate closely with and are dominated by the Communist leadership. During the PUWP's 10th Congress in June and July 1986, General Jaruzelski was reconfirmed as First Secretary of the party.

Poland has a powerful security apparatus administered by the Minister of Internal Affairs. The Ministry has acted in a more restrained manner since the unprecedented public trial, conviction, and sentencing of four of its secret police officers for the October 1984 kidnaping and murder of Father Jerzy Popieluszko, a Catholic priest and human rights activist with close ties to the Solidarity trade union movement.

Poland's economic recovery continues slowly under the burden of substantial difficulties, including a large debt to foreign creditors. Reforms aimed at greater decentralization of decisionmaking have modified only marginally the economic system's basic dependence on central control over resource management, production, and distribution. The major exception to that system remains Poland's predominantly private agricultural sector, in which the right to own land is provided. Small private businesses, mostly in the crafts and service areas, are also permitted.

In July the Sejm passed a law providing conditional clemency for political prisoners, and on September 11 the Government followed up by releasing all political prisoners accused or convicted of crimes "against the State or public order." This decision did not affect those convicted of treason, economic sabotage, espionage, or terrorism. After the amnesty, the Sejm passed a law providing that some political offenses could be treated as misdemeanors rather than as offenses against the criminal code. As of mid-November, no one was held on charges based on the articles of the Polish penal code that had normally been used by the authorities to hold political prisoners, although several persons had been detained briefly and, in some cases, fined before being released. Several persons, however, whose offenses had apparently been politically motivated, were being held formally on criminal charges.

During the PUWP's 10th Congress, General Jaruzelski proposed the creation of the new office of a Spokesman on Citizens' Rights and a new Consultative Council to the Council of State in which independent voices would have a share. Various formulas for the Spokesman's mandate have been published and are under study. The new Consultative Council to the Chairman of the Council of State (Jaruzelski) came into being on December 6. Among its 56 members are several prominent Catholic social activists and many noted intellectuals who have no party affiliation.

Despite such improvements in the human rights situation, the authorities, especially the security service and the judiciary, retained overwhelming power to deal with political

dissidence or other forms of opposition. For example, the 1985 law on special criminal procedures provides, among other things, for the greatly enlarged use of summary courts empowered to bring an accused to trial within 48 hours of arrest and to impose prison terms of up to 3 years for certain criminal and noncriminal (political) offenses. The authorities frequently used this law in political cases in the period before the September amnesty.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

No instances of political killing in Poland were confirmed this year, though the British-based Information Center of Polish Affairs reported that a Solidarity activist from Nowy Sacz died in a hospital on February 2 after an attack by "unknown assailants" in unexplained circumstances. In February the death in 1985 while in police custody of a Gdansk university student, Marcin Antonowicz, was ruled accidental by an official investigation, and the police officers involved in his detention were cleared. Many Poles remain convinced, however, that his death was the result of police brutality.

The Polish Helsinki Committee believes that since December 31, 1981, the deaths of some 250 to 300 persons, including many active in Solidarity, may be directly attributed to the violent imposition of martial law, brutal treatment of detained persons in the hands of the police and deaths of a suspicious nature in which there are allegations of police involvement.

b. Disappearance

Instances of prolonged or permanent disappearance have not been reported.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reported instances of the authorities systematically using torture to extract information. However, there have been frequent complaints by human rights groups that the police or secret police have mistreated, beaten, or tortured persons in their custody. Some former Solidarity activists have also stated that they were beaten or tortured while serving prison sentences. During 1986 there were several reports of torture and beatings which Polish and Western human rights groups say were perpetrated either by police or perons working for the authorities.

One of the most serious allegations was made in January when a young Warsaw Pole was reportedly burned, beaten, and subjected to electric shocks to the genitals by three unidentified assailants. In April a number of sources reported that noted Solidarity activist Wladyslaw Frasyniuk was being physically mistreated in prison. The Government denied these charges, though the government spokesman admitted that "physical pressure" had been applied to Frasyniuk to remove him to solitary confinement. Frasyniuk, now at liberty, has made no public comment on this subject.

POLAND

In May underground sources alleged that two individuals were brutally assaulted by police officers when found reading underground newspapers in Piastow, a small town near Warsaw, and that a 15-year old was beaten with truncheons and suspended by a pair of handcuffs from a metal bar during interrogations in police custody. In June a young man claimed that he had been kidnaped for 2 days by the secret police, tortured, and forced to sign a promise to cooperate with the security services in the future, a charge the government spokesman denied, stating that the young man had simply been detained by police for a preventive and cautionary conversation.

Both the regular police and the Zomo riot police have employed rubber truncheons and water cannon against antigovernment demonstrators. As the number of demonstrations dwindled in 1986, there have been fewer reports of the use of excessive police force under those circumstances.

There were continuing reports of poor prison conditions for political prisoners and of some prisoners suffering from food poisoning or hepatitis as a result of eating the prison fare, as well as developing tuberculosis in the prison environment. Medical services reportedly were also poor at many prisons, and medical treatment was allegedly denied to a few political prisoners. Some prisoners have been furloughed in order to obtain necessary medical care. Prisoners who engaged in hunger strikes, either to protest prison conditions or to seek governmental recognition as political prisoners, have been subjected to force-feeding by prison authorities, allegedly administered roughly. There were also allegations that prisoners were beaten. It is unknown how many prisoners were subjected to maltreatment or how often it occurred.

d. Arbitrary Arrest, Detention, or Exile

Polish law allows for a 48-hour detention period before the authorities have to bring formal charges. Certain categories of offenses may actually be tried within 48 hours of arrest under special, accelerated procedures whose use was greatly enlarged under legislation passed in May 1985. Suspects falling under other categories of offenses may, after the presentation of the legal basis for formal investigation, be held in indefinite "investigatory" or "temporary" arrest. During this period, there is no guarantee of access to a lawyer, and visits are generally denied.

Once a formal indictment is filed in a case not handled under accelerated procedures, the defendant is allowed ample time to study the charges in consultation with an attorney of his or her choice. A trial date is set only after the defendant expresses readiness. Legal provisions for bail are rarely used, but suspects, as well as those already convicted, are sometimes furloughed for humanitarian reasons.

Although there may have been some improvement in the situation in 1986, human rights groups such as Helsinki Watch report continued detention of persons for vague and tenuous reasons. Polish law contains no provision for forced exile. Some former political prisoners have reported that they were told by police that harassment of them and their families would end only if they emigrated. Some labor and political activists occasionally expressed fears that they would be refused reentry if they were to travel abroad, especially to the West.

POLAND

Under 1983 legislation, persons who are registered as unemployed and who refuse to seek employment without adequate justification may be listed as "habitual parasites" and compelled to accept specific employment, usually street cleaning, park maintenance, or garbage collection, under threat of penal sanction. To date, the law has not been applied as a means of political coercion, as a sanction against the free expression of political or ideological opinions, or as a means of racial or social discrimination. Penal sanctions under this law are rare, though some recently released political prisoners have reported that the police have threatened them with this law as a form of harassment.

e. Denial of Fair Public Trial

Amendments to the Penal Code, enacted in May 1985 ostensibly to assure the speedy hearing of certain accusations, have greatly enlarged the scope for application of special accelerated trial procedures that severely limit the rights of defendants. In such summary trials, charges are made by the police rather than the prosecution, and the defendants are not given an opportunity to choose an attorney. The assigned public defender has little time to discuss the case with his client and no time to search for witnesses or for evidence of innocence since the defendant may be tried and sentenced within 48 hours of arrest. These special courts, which earlier dealt only with a narrow range of misdemeanor-type offenses, can pronounce prison sentences of up to 3 years and a fine of about $3,000 for some offenses. Persons accused of inciting public unrest, possessing independent publications, or participating in illegal organizations have been convicted under these summary procedures. The conviction rate under these procedures is extremely high.

In October 1986, the Sejm passed legislation that allows certain crimes against the public order (political offenses) to be treated as misdemeanors subject to a maximum penalty of a $250 fine and/or 3 months' deprivation of liberty meted out by misdemeanor courts. The new legislation gives the authorities the option of handling certain crimes either as misdemeanors or as felonies depending on the perceived seriousness of the offense. Persons detained during political demonstrations in Krakow in November were fined and released, apparently under the misdemeanor provisions. Others were apparently warned and released without penalty.

The trial of Solidarity leader Lech Walesa in February in Gdansk was widely criticized for the "political" and unsubstantiated nature of the charge that Walesa had slandered Sejm election officials in October 1985 by stating that voter turnout in the October 1985 parliamentary elections had been lower than the figure they had claimed. The charge was dropped after Walesa stated in court that he had had no intention of slandering anyone. The trial was closed to Western diplomatic representatives but open to some Western journalists and outside observers.

Also in February, the Supreme Court upheld the convictions of three noted Solidarity activists, Adam Michnik, Bogdan Lis, and Wladyslaw Frasyniuk, on charges of "membership in an illegal organization" and "fomenting public unrest," although it reduced the sentences of Michnik and Lis. Frasyniuk's remained unchanged at 3 1/2 years. All three were released under the September 11 decision.

POLAND

In April Leszek Moczulski, the leader of the Confederation for an Independent Poland (KPN), was sentenced to 4 years in prison for "engaging in activity contrary to state interests." One of his associates, who reportedly had contracted tuberculosis while in prison awaiting trial, was sentenced to 2 1/2 years in prison, a motion to release him due to the lack of adequate medical care in prison having been denied. Both persons were released as a result of the July 17 law and the September 11 decision. In May Solidarity activist Seweryn Jaworski was sentenced to 2 years' imprisonment for "fomenting public unrest" in connection with his activities in the October 1985 Sejm elections boycott. He was released in September 1986.

Prior to the September 11 decision, the number of political prisoners had risen from slightly more than 200 to between 300 and 350 in June. The amnesty excepted those detained or convicted for treason, economic sabotage, terrorism, and espionage. Although some human rights groups consider some of these as political prisoners, they remain under investigative arrest or are serving prison sentences. In October a priest and a young man involved in the 1982 murder of a police sergeant were released from prison, while the sentences of two other youths convicted in the case were significantly reduced. The provisions of the July 17 law were also applied to 3 of the 4 convicted murderers of Father Jerzy Popieluszko, reducing their sentences from 25 to 15 years, from 15 to 10 years, and from 14 to 8 years, respectively. The sentence of Grzegorz Piotrowski, the principal killer, remained unchanged at 25 years. Since the September 11 decision, only one person was reportedly arrested and held on a political charge--distributing underground literature--but she was released with a warning after several days.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

Mail and phone calls are selectively monitored. Overt censorship of the mail and announced monitoring of telephone calls ceased with the suspension of martial law. Packages to be mailed abroad must be assembled at the post office in the presence of a customs official or postal worker. It is generally assumed that the Polish secret police uses an extensive network of informers. Prior to the September amnesty, the authorities showed their ability to monitor private activities when Interior Minister Kiszczak announced that police had questioned 3,000 people suspected of underground activities in a single day.

Polish citizens are not forced to participate in any political organizations, although it is generally understood that membership in the PUWP is necessary for advancement in certain professions. The Government does not interfere with the right to marry or to have children as one chooses, nor does it prevent the teaching of religion to children at home or in churches. However, the Government often views as suspect the contacts of its citizens with foreigners and with domestic political opponents. Searches without warrant of homes and offices and confiscation of personal documents and property continue in Poland. Warrants are sometimes required under Polish law, although the circumstances under which the warrant requirement applies are ambiguous.

POLAND

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech. The freedom to express one's opinion in a private conversation, whether or not in a public place, is generally tolerated, while the freedom to distribute opposition pamphlets or deliver a controversial speech in a public place is not. The rejection of the Communist government by the overwhelming majority of the Polish people finds reflection in various indirect ways by which Poles manifest their viewpoint. One example is the monthly "Mass for the Fatherland" held in many churches, including Warsaw's St. Stanislaw Kostka where Father Popieluszko formerly preached.

Official censorship of all media exists as part of the authorities' control mechanism. Censorship in Poland generally assumes one of three basic forms. First, there is self-censorship. Many articles are consciously or unconsciously self-censored by their authors before being submitted, more often to increase the chances for publication than to avoid specific reprisals. Second, editors of state-run media may kill an article or program entirely if they feel its content is politically too controversial. Controversial articles or programs which do appear are often the result of prolonged bargaining with editors and censors. Editors are subject to pressure to maintain an official line. Finally, there is the government censorship apparatus. It is frequently impossible to detect the impact of the formal censorship process in state-controlled media, but such publications as the Catholic weekly, Tygodnik Powszechny, and the monthly of the Catholic Intellectuals Clubs, Wiez, indicate to their readers, in brackets, where the censors have deleted material and which particular provision of the censorship law has been invoked. Perhaps most importantly, people can be arrested and convicted for publishing or distributing any publication not approved by the censors.

The vast majority of newspapers and journals are state owned and operated, as are publishing houses, television channels, and radio stations. Access to foreign publications is limited. Attempts at independent radio broadcasts have been suppressed. While the state-owned press follows the approved government line on all essential issues, it sometimes provides a forum for debate on certain domestic issues and even on some foreign policy questions. This is usually a debate of nuance rather than of fundamental principles, goals, or policies. The major national dailies are closely identified with elements of the ruling elite (e.g., the Communist party, the government apparatus, and the armed forces), and the distinct interests of each can often be detected in its paper's columns. In addition, long articles, essays, and columns in various weeklies present contending views on such matters as economic and administrative reform, public policy and cadre matters, the nature and extent of "national reconciliation," and the role of the Church and labor unions.

Despite censorship, Poland may still have the least controlled official press (as distinct from the more tightly run electronic media) of all Warsaw Pact countries. Some nongovernmental publications such as Tygodnik Powszechny offer a wholly credible voice different from that of the government-run media, although their circulation and impact are reduced by government restrictions on newsprint and

censorship. There is also an active underground press, chiefly reflecting the views of the banned Solidarity trade union and its supporters. It publishes weekly newspapers, periodicals, books, and, most recently, videotapes that reach a wide readership in the major cities despite government efforts to stamp it out. In December, the Government undertook new efforts to prevent underground press distribution through confiscation of property, such as automobiles, and use of punitive fines against those found to be involved. The underground press nevertheless thrives with hundreds of publications in circulation.

Amendments adopted in July 1985 to the 1982 Higher Education Law empower local and national authorities to increase substantially their control over universities and other college-level institutions which could significantly increase the curbs on freedom of inquiry. The changes in the law provide for the vetting of all candidates for rectorships by the Minister of Higher Education for a greater degree of direct government involvement in university operations, and for strict limitations on the role of university senates and student self-government. The 1985 amendments legislate the composition of university senates, reserving seats for party and other official representatives and senior faculty while limiting representation for younger faculty, "nonscientific" university employees, and students. In late 1985, over 70 rectors, deans, and department chairmen were dismissed from their administrative positions in order to ensure tighter government control. They retained their teaching positions and tenure, however.

During 1986 the Communist party and the Government repeatedly called for an increased role for party organizations on campus. A long-expected "evaluation" of university faculty members began in the autumn of 1986. Described by the Government as an attempt to weed out less productive academics in midlevel positions and to increase opportunities for the advancement of junior faculty, the "evaluation" is widely viewed within Polish academic circles as having at least the potential for abuse as a political instrument to force the removal of academics whose views do not coincide with those of the regime. Although Polish institutions of higher learning still retain a degree of autonomy (which often varies from campus to campus, depending on the talents and convictions of individual administrators), the trend over the past 2 years has been in the direction of greater emphasis on governmental and ideological control.

At the same time, Poland is also the home of the only independent university in Eastern Europe, the Catholic University of Lublin (KUL). KUL's very existence, as well as its extensive ties to institutions and individuals in the West (it counts Pope John Paul II among its former faculty members), is visible evidence of the national and religious traditions which still help to shape Polish higher education. There are also a number of diocesan seminaries, independently administered by the ordinary Bishop in Poland's dioceses.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association is at government sufferance and subject to tight restrictions. Permits are required to hold public meetings or rallies. Requests for permits for protest meetings are routinely denied. The frequency and intensity of large-scale public demonstrations

held without government endorsement continued to decline in 1986. Unofficial discussion groups and alternative cultural events continue to take place in churches and private homes with the toleration of the authorities.

The law permitting the formation of nonprofit, independent foundations for certain charitable, social, and health purposes remains on the books, but negotiations on the Church's attempt to create a foundation to channel public and private contributions from the West to aid Polish private agriculture have ended. The Episcopate of the Roman Catholic Church announced in September that it had decided to break off discussions which had gone on for 4 years on the establishment of this foundation because the Government, in the Church's view, wanted to exercise excessive control over the formulation and execution of the foundation's projected programs.

Under Polish law, associations and clubs need official permission or sponsorship to function legally. Among the most significant of Poland's many clubs is the Catholic Intellectuals' Club (KIK), which has reopened branches in several cities, including Warsaw and Krakow, since receiving permission to resume activities after martial law. The KIK sponsors lecture series and other activities which are open to the interested public, with little or no interference from the authorities.

Some officially sponsored professional associations were formed after the Government's dissolution in 1983 of such organizations as the writers' and journalists' unions, which had attained a remarkable degree of independence in 1980-81. These successor groups have thus far failed to earn the support of a significant proportion of Poland's intellectuals despite the material incentives such membership offers. The Episcopate of the Roman Catholic Church, in two communiques issued in June and August 1986 after plenary conferences of the Bishops, called for the right to establish associations independent from political parties. Poland's chapter of the Pen Club, an organization of writers with international connections, remains suspended.

The Trade Union Act of 1982 abolished all previous unions and set the rules for the formation of successor unions. All unions must receive court permission to exist. Amendments passed in 1985 by the Sejm indefinitely postponed the possibility of trade union pluralism contained in the 1982 law. Government leaders and spokesmen on several occasions in 1986 underscored the official position that union pluralism is out of the question because it would be divisive in the workplace and reduce worker efficiency. Leaders of the official unions, the vast majority of which are grouped under the umbrella of the National Alliance of Trade Unions (OPZZ) formally established in November 1984, have been especially vehement in their public opposition to trade union pluralism.

The leadership of the OPZZ made clear that the official unions should be a partner to the authorities, and OPZZ Chairman Alfred Miodowicz was elected to the Politburo of the Polish United Workers' Party in June. The program passed at the November Congress of OPZZ emphasized the role unions are to play in cooperation with the authorities to increase production and set as a goal the integration of union structures. Membership in the OPZZ is claimed to be 6.5 million. This number constitutes less than half the work force eligible for

membership. The OPZZ withdrew its claim to be the only legal representative of workers during the December trade union congress after protests by local unions which were not members of OPZZ.

Solidarity has not tried to play a significant role in the official unions, although many of the nearly 10 million workers, who were members of Solidarity during its legal period, have joined the new unions. Although illegal as an organization, Solidarity continues to be active on some worker self-management councils in some factories.

After the release of political prisoners, Lech Walesa in September called into being a new Provisional Council of Solidarity, which the Government subsequently declared to be illegal. The Council's activities have not, however, been repressed, reflecting what appears to be a government policy of not interfering with the Council as long as its pronouncements have a nonprovocative, passive formulation.

The 1982 law severely circumscribes the right to strike, making legal work stoppages virtually impossible. Occasional wildcat strikes have been settled at the factory level. Leaders of such strikes, if identified, may face discrimination at the workplace or even loss of their jobs. Solidarity activists continue to face difficulties in keeping or reclaiming old jobs, or in securing employment commensurate with their qualifications.

c. Freedom of Religion

The Constitution guarantees "freedom of conscience and belief," and Polish citizens, both in law and in fact, enjoy considerable freedom to practice their religion. However, party authorities discourage the open practice of religion by party members. The Roman Catholic Church in Poland has criticized a new course in comparative religion being introduced into schools.

Poland is predominantly Roman Catholic; the Roman Catholic Church maintains over 3,300 churches, schools, and other institutions, and a vigorous program of building new churches is going on with state permission. The Catholic Church publishes significant numbers of books and periodicals, as does the independent Catholic press, though some practical restrictions are imposed by limiting access to printing equipment and government-allocated paper. Sunday Catholic mass and services of other religions are broadcast over Polish radio under a provision of the 1980 Gdansk Accords that is still observed.

Relations between the Government and the Roman Catholic Church were strained during the first half of 1986 because of the trauma of the 1984 murder of Father Jerzy Popieluszko, the inability to set up a church-sponsored foundation to aid private agriculture, and the large number of political prisoners. Tensions receded after the amnesty. The Primate and the Episcopate as a whole, as well as individual clergy and Catholic lay leaders, continued to campaign vigorously for greater individual freedom and respect for human rights, including the right of individuals to organize themselves peacefully in various social groupings.

There is no government-sponsored discrimination against minority religions; but some members of all of these religions

assert that discrimination does occur, primarily as the result of traditional tensions between the Catholic Church and Poland's various ethnic minorities. The Muslim and Jewish faiths and the various Protestant denominations often find it difficult to maintain their places of worship and train their clergy, mainly because of the small numbers of their faithful, widely dispersed congregations, limited financial resources, and traditional prejudices. The Orthodox faith, the largest minority religion, is concentrated in Poland's eastern provinces. Estimates of the number of its faithful range from 800,000 to 1.5 million. It maintains 350 churches and has also begun an ambitious program of church building and monastery renovation. The Orthodox Church sponsors the publication of a number of books and several periodicals and broadcasts its masses on Polish radio four times a year. As the result of recent administrative action, it has obtained the return of some religious buildings previously under government control. Apart from financial difficulties, there have been complaints of Polish ethnic prejudice (most of the Orthodox faithful in Poland are of Byelorussian, Ukrainian, or Russian origin). Orthodox believers face a major problem in maintaining contact with their religious brethren in the Soviet Union.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on travel within Poland. There are no legal restrictions on changing one's residence but tne housing shortage makes this nearly impossible in practice. Cases of persons working in one location and legally "residing" hundreds of kilometers away are not uncommon. Travel abroad is permitted to the vast majority under the 1983 law liberalizing passport issuance. The authorities claim that over 90 percent of applicants obtain passports. Actual denials of passport applications are not numerous. Denials are most often received by persons working in areas of scientific research or industry considered "sensitive" by the Government. Several prominent dissidents have been denied passports for visits abroad; others have declined to apply for passports, fearing that, once out of Poland, they would be denied the right to return.

In order to receive an emigration passport. Poles must divest themselves of all real property and obtain customs permission for any personal items they wish to take with them. Although most applicants for emigration passports eventually obtain them, certain cases appear to require an unduly lengthy waiting period. While a few Solidarity members, formerly interned or jailed because of their activity, have been denied passports when seeking to relocate to another country, many others have been encouraged to leave, as the Government tries to rid the country of persons it views as "troublesome." Once having established legal residence abroad, a Polish citizen must exchange an emigration or, in some cases, a tourist passport, for a consular passport (one issued by a Polish Consulate). Otherwise there are no formal restrictions on an emigrant's return to Poland.

Only Polish citizens who have been issued emigration passports are legally permitted to take up residence in another country. Polish citizens who return to Poland with tourist passports after establishing a residence abroad may experience difficulties in obtaining a reissuance of their tourist passports. Polish citizens who emigrate legally from Poland

and who desire to return for brief visits on consular passports generally experience few difficulties with the authorities.

Under Polish law, only the Council of State may revoke citizenship. Involuntary revocation must be based on one of the following activities: actions violating the duty of allegiance to the Polish State; actions detrimental to the substantial interests of Poland; departure from Poland after May 9, 1945, and failure to return when so requested by the Polish Government; evasion of military service; or conviction abroad of a crime also recognized as a felony under Polish criminal law. The Government recently used this prerogative in revoking the citizenship of two former ambassadors who defected to the United States, as well as the citizenship of a Polish journalist now working for Radio Free Europe.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Poland is ruled by the PUWP, or Communist party, through General Jaruzelski who, with a small group of advisers, determines national policy goals. They implement policy through the government ministries and through a parallel party bureaucracy which complements and interacts with the ministries. Unlike elsewhere in Eastern Europe, the party is not always clearly the dominant force. Various economic ministries, as well as the military and security service, often play key roles, not only in exercising power but also sometimes in setting policies. The two other coalition partners, the United Peasants Party and the Democratic Party, are completely responsive to PUWP guidance. The Patriotic Movement for National Rebirth, an umbrella group of political, economic, and social organizations cooperates with the authorities.

The Constitution specifies that the Sejm is the chief legislative body of Poland. The Sejm can be counted on to pass, nearly unanimously, any legislation that the Prime Minister and the relevant bureaucracies believe is necessary. Nevertheless, when the authorities seemed undecided or divided during 1986, deputies in the Sejm were on occasion able to modify proposed legislation, especially in behind-the-scenes committee sessions.

During and after the PUWP's 10th Congress, there were several official proposals to democratize society and make the Government more responsive to society's needs. The Government proposed the creation of a new office of "ombudsman," or Spokesman for Citizens' Rights, which is presently under discussion. The government spokesman said that it would be inadmissible for prominent Solidarity leaders to participate in official activities. In December the Government announced creation of a 50-member Consultative Council composed of proregime and some independent figures. Many leading dissidents declined to participate. The powers of the Council and the extent of its influence on policy are as yet unclear.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government of Poland is party to many international covenants with human rights components, including the Final Act of the Conference on Security and Cooperation in Europe,

signed in 1975. Government authorities typically contend, however, that international and nongovernmental inquiries into the state of human rights in Poland based on these agreements constitute interference in Poland's internal affairs. The Polish Government never cooperated in the implementation of the 1983 Resolution of the U.N. Human Rights Commission asking the U.N. Secretary General or his designee to do a comprehensive report on the human rights situation in Poland. Poland's decision to withdraw from the ILO, announced in 1984 and scheduled to take effect in November 1986, was made in response to the decision of the ILO's Executive Board to take formal notice of the report of the ILO's Commission of Inquiry into violations of international labor standards. The Polish Government announced on November 14 that it had decided to postpone its decision to withdraw from the ILO for 1 year, citing the recommendation of the OPZZ and the expectation that the ILO would change its unfriendly attitude towards Poland as reasons for the decision.

There are no government-controlled or sponsored organizations in Poland devoted exclusively to human rights issues. Independent human rights groups have no official permission to exist. Nevertheless, late in 1986 there were established the Human Rights League centered in Szczecin and a human rights group called into being by Lech Walesa and associated with Solidarity. The anonymous Polish Helsinki Committee compiles occasional reports evaluating the human rights situation in Poland. For example, it prepared a report on "The Violation of Human Rights and Basic Freedoms in the Polish People's Republic 1983-86" for the 1986 review meeting in Vienna of the Conference on Security and Cooperation in Europe. Underground publications frequently raise questions about human rights practices in Poland, focusing particular attention in 1986 on the problem of political prisoners and on allegations that some were suffering mistreatment in prison.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Women's rights have not become a public issue in Poland. Historical circumstances, including World War II losses, helped open access for women into many previously closed professions. Women work in all blue-collar trades, except for heavy mining and steel, and in all professional fields. Despite their major presence in the work force and the fact demonstrated by government statistics that they are generally better educated than men, women usually earn less than their male counterparts, and only a small proportion of women are found in the higher levels of local and national government.

Poland has had a liberal maternity and child care leave policy dating to the Solidarity-inspired Gdansk Accords, though some of its tenets seem to be changing. Women are now entitled to 3 (formerly 4) months of paid maternity leave, and increasingly fewer are able to opt for the supposedly guaranteed maximum of 3 years of unpaid child care leave, after which they are guaranteed a job at the same level of pay. To the extent that this policy is being continued, it has some social benefits in terms of child-rearing and strengthening of the family; it also takes pressure off Poland's miniscule official day-care system for young children, in which only 1.2 percent of all women are able to find a place for their children.

POLAND

CONDITIONS OF LABOR

The Polish labor code generally forbids the employment of a person who has not reached the age of 15. The employment of a "young person", defined as aged 15 through 18, is permitted, provided the individual has completed basic schooling. Special exceptions are sometimes required if a particular job might pose a health danger. The labor code specifies that a "young person" without professional qualification may be employed only for the purpose of vocational preparation, although again there is a provision for special exceptions.

The length and distribution of hours of work is regulated by the Polish labor code. Paid annual holidays are provided for. In practice, most families find that both husband and wife must be employed in order to sustain an acceptable standard of living. The minimum conditions for the protection of worker health and safety spelled out in the Polish labor code seem, in most respects, adequate. Poland, however, suffers serious environmental pollution problems, some of which particularly affect worker health. There are frequent allegations that some plants fail to maintain government-regulated worker health and safety standards, and the official media occasionally publicize such cases.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: POLAND

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	20.9	13.8	4.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	20.9	13.8	4.0
A.AID	0.0	0.0	4.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	4.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	4.0
B.FOOD FOR PEACE.....	20.9	13.8	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	20.9	13.8	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	20.9	13.8	0.0
E.RELIEF.EC.DEV & MFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	20.9	13.8	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	20.9	13.8	4.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	20.9	13.8	4.0
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	0.9	0.0	0.0	24.2
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.9	0.0	0.0	21.8
OTHER-UN	0.0	0.0	0.0	2.4
EEC	0.0	0.0	0.0	0.0

PORTUGAL

Portugal has a parliamentary political system which is genuinely democratic and enjoys broad popular legitimacy. Civil rights are outlined in the Constitution in accordance with the Universal Declaration of Human Rights.

The President of the Republic and the members of the Legislative Assembly of the Republic are freely elected by secret ballot. In 1986 former Prime Minister Mario Soares was elected as Portugal's first civilian President in 60 years.

Though much of the Portuguese economy was nationalized in the wake of the 1974 revolution, recent governments have opened the banking sector to private competition and have allowed private participation in some state-controlled firms.

Terrorists have struck both Portuguese businessmen and U.S. or NATO targets in Portugal in recent years. The Government has responded by setting up the first civilian/military intelligence service since the abolition of the secret police after the 1974 revolution. Many suspected terrorists have been arrested and put on trial. Complaints have been made about lengthy pretrial delays, and there have been charges about substandard prison conditions and excessive use of force by the police. These problems, however, are due to inadequate training and resources rather than to state policy. Respect for civil and political rights, due process, and the integrity of the person are supported by the State and are reinforced by a lively free press.

An Ombudsman, elected by the Assembly to serve a 5-year term, is Portugal's chief civil and human rights officer. Any citizen may apply to the Ombudsman for relief. The Ombudsman receives about 4,000 complaints annually, but the vast majority of these complaints concern cases of alleged maladministration on the part of the cumbersome Portuguese bureaucracy.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Government-sanctioned political killings do not occur in Portugal. A shadowy radical terrorist group, FP-25 (translated as the "Popular Forces of the 25th of April," referring to the 1974 revolution), has claimed responsibility for several murders, armed attacks on Portuguese nationals, and numerous bombings and attempted bombings of Portuguese and foreign (typically U.S. or NATO) installations. Despite these sporadic terrorist incidents, Portugal has a low level of violence.

b. Disappearance

The police and armed forces did not arrest anyone secretly, nor was anyone abducted by terrorist organizations in 1986.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids torture and the use of evidence obtained under torture in criminal proceedings. The

Constitution also prohibits inhuman or degrading treatment or punishment. The Ombudsman investigated two cases of alleged mistreatment of inmates by prison officials and concluded that such cases are due to overcrowded prisons and inadequately trained personnel.

d. Arbitrary Arrest, Detention, or Exile

According to Portuguese law, a prosecuting judge reviews the case against a person arrested and accused of a crime to determine whether that person should be detained or released on bail. No one may be held for more than 48 hours unless a prosecuting judge orders preventive detention limited to a maximum of 4 months for each crime. Because of the cumbersome judicial system with its large backlog of cases and vacant judgeships, detention beyond the authorized 4 months is not unusual in cases of persons accused of serious crimes such as murder or armed robbery. Detainees and persons in preventive detention have access to lawyers, who have succeeded in protecting their clients' rights through legal channels and through publicity in the free press.

Exile and incommunicado detention are illegal and not practiced in Portugal. Forced labor also does not exist.

e. Denial of Fair Public Trial

Portugal has an independent and fair judicial system. All trials are public except those which may offend the dignity of the victim, such as in cases involving the sexual abuse of children. The accused is presumed innocent until convicted.

A clear procedural distinction exists between the arrest and the trial of an individual. A panel of three judges (which does not include the prosecuting judge) presides over cases which go to trial. A ministerial delegate assists the judges in reviewing the evidence. At the request of the accused, a jury may be used in trials for major crimes. The judges or jury render the verdict; sentence may be passed only in the presence of the defense attorney.

Foreign and domestic complaints continue to be made about lengthy delays in the handling of cases in Portuguese courts. The Portuguese chapter of the International Commission of Jurists is concerned about this problem. The Ombudsman would like to see a reform of the present trial process to compensate defendants who are incarcerated during lengthy trials but are eventually acquitted.

There are no political prisoners, although some radical leftist elements claim that certain persons who are in prison or on trial for participation in terrorist organizations are political prisoners. There is evidence, however, implicating these persons in the commission of violent crimes. The police and armed forces do not attempt to influence trials, and terrorists have not succeeded in intimidating participants in trials, although the FP-25 terrorist organization claimed responsibility for the murder in 1985 of one of their former members who had agreed to testify against them.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There were no reports in 1986 of governmental intrusion into the private life of citizens. The State does not tamper with

private correspondence or telephones. The Constitution forbids forced entry into homes and searches without a judicial warrant. In addition, entry into a person's home at night requires the consent of the occupant.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and the press is guaranteed by the Constitution and respected by the State. The constitutionally mandated Council of Social Communication acts as a watchdog to protect freedom of speech and access to the media. The council, whose members have been elected by the national legislators, makes recommendations to the Assembly and has enforcement powers (which have never been exercised). The opposition is free to voice its point of view, and the State tolerates criticism with two restrictions:

First, "Fascist organizations" are prohibited by law, but elements on both the extreme right and extreme left have participated in elections without state interference.

Second, a person may also be legally punished for "insulting" civil or military authorities if such an "insult" was intended to undermine the rule of law. There were no prosecutions for "insult" in 1986.

Although the State indirectly subsidizes the press (through its postrevolutionary nationalization of the banks, to which the press was heavily indebted), it does not control editorial comment. The entire spectrum of political thought is represented in the Portuguese press. The State also owns the two television channels and some radio stations. In principle, the Government does not influence television or radio programing. However, since the Government appoints television and radio administrators, it probably has some indirect influence on the broadcast media.

Opposition parties sometimes charge that television or radio ignores or distorts their views and activities, but political parties, trade unions, and other organizations have a right to periodic access to exclusive television time after the evening news program.

b. Freedom of Peaceful Assembly and Association

Persons have the right, in law and in practice, to associate formally or informally, to promote nonviolent causes, and to protest government policies. Public meetings or protests require a 24-hour advance notice to the civil governor of the area in which the event is to be held. Permission is routinely granted. The official registration of a new political party requires 5,000 subscribers.

Workers have the constitutional right to set up unions by profession or industry. Collective bargaining is guaranteed by law and practiced in both the public and private sectors. Such issues as wage levels, working conditions, pay grades, and fringe benefits are regularly the subject of collective bargaining. Strikes are permitted for any reason, including political causes. Approximately 45 percent of the workers are unionized. Unions are free from government control but are closely associated with political parties.

PORTUGAL

There are two labor federations in Portugal: The General Confederation of Portuguese Workers (CGTP) is controlled by the Communist Party and is active in Communist-sponsored causes; the General Union of Workers (UGT) is a pluralist democratic union affiliated with the International Confederation of Free Trade Unions and the European Trade Union Congress. UGT leaders are associated with the Socialist and Social Democratic parties, and some have been elected to the Assembly of the Republic. Since both federations want to represent Portugal in the International Labor Organization, the Minister of Labor has decided that they will do so in alternate years.

c. Freedom of Religion

Portugal does not have an established religion, and the State does not interfere with the free practice of religion, missionary work, or religious publications. Organized religions may freely establish places of worship, train their clergy, and proselytize. To qualify as a tax-exempt institution, an organized religion must legally establish itself as a nonprofit, private society.

Roman Catholicism is the prevailing religion in Portugal, and Catholic religious instruction is offered as an elective course in the public schools. The pursuit of a civil, military, professional, or political career does not depend on adherence to a religious creed. There were no reported cases of religious persecution in Portugal in 1986, although some Portuguese entered Canada claiming to be refugees from religious persecution in Portugal. Authorities believe that such claims were made to take advantage of Canadian immigration laws.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution guarantees freedom of movement, foreign travel, and emigration, and places no formal restraints on domestic travel or on the right of an individual to change domicile or employment. Some currency restrictions remain, reflecting past difficulties in the balance of payments. The Government has committed itself to removing these restrictions in the near future. Large numbers of Portuguese emigrate every year due to economic necessity or family reunification. Many Portuguese emigrants return to Portugal to resettle or retire. Citizenship is not revoked for political reasons.

A 1980 law established a humane refugee program in Portugal. Displaced persons, who qualify as refugees under the technical definition established by the United Nations, are given permanent resident status and allowed to work; in practice, displaced persons are not forced to return to the country from which they fled.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Portugal is a multiparty, participatory democracy in which candidates for the presidency or for the Assembly of the Republic are freely nominated and elected. The unicameral Assembly is the legislative body with the Prime Minister at the head of the Government. The President and the members of the Assembly are elected by secret ballot and universal adult suffrage. Opposition parties and candidates operate freely

and enjoy access to the media. Only "Fascist" organizations are outlawed. General elections are held at least every 4 years. The President has a 5-year mandate but may serve no more than two consecutive terms.

The population is predominantly European and ethnically homogeneous. Portugal has a small African minority, most of whose members emigrated to Portugal when the former Portuguese colonies in Africa became independent following the 1974 revolution. There are no restrictions on political activity by Portuguese of African heritage.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Portugal cooperates with independent outside investigations of human rights conditions and actively participates in the monitoring of human rights by the Council of Europe. Amnesty International and other private international human rights groups operate freely in Portugal. The most important domestic human rights group is the Portuguese section of the International Commission of Jurists, which considers the human rights situation in Portugal to be, "on the whole, positive and satisfactory."

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There are no complaints of any one ethnic or religious group benefiting from a privileged status in Portugal. The Civil Code guarantees full legal equality for women in accordance with the Constitution. Women play an active role in the political parties but remain underrepresented in party and government leadership positions. A woman served as Prime Minister in 1979 and was a serious candidate for the Presidency in 1985. There is one woman currently in the Cabinet. Women are steadily increasing their representation in universities, business, government, and the professions. Traditional attitudes of male dominance persist in some areas, but these are changing.

CONDITIONS OF LABOR

A national monthly minimum wage for full-time workers was first established in Portugal in 1974. Minimum wages for rural workers and domestic employees were legislatively established in 1977 and 1978 respectively. With the exception of 1982, minimum wages have been increased every year. Workers are required by law to be granted an individual written contract which must include their professional category and salary, the work site, the starting date, and the duration of the contract (in the case of temporary workers). Employers are required to contribute to an employee's social security fund. Legislation limits hours of work to 8 hours daily and 48 hours per week. Overtime is limited to 2 hours per work period, up to 120 annually. Work on a normal day off is restricted to 8 hours. These limits are respected in practice.

Child labor in industry is not a generalized problem in Portugal although there may be some cases of companies operating outside of the law. The CGTP has charged that a number of "clandestine" companies in the textile and construction sectors in northern Portugal exploit child labor.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: PORTUGAL

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	40.0	80.0	76.6
LOANS.....	0.0	0.0	0.0
GRANTS.....	40.0	80.0	76.6
A.AID	40.0	80.0	76.6
LOANS.....	0.0	0.0	0.0
GRANTS.....	40.0	80.0	76.6
(SEC.SUPP.ASSIST.)...	40.0	80.0	76.6
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	107.9	128.0	112.4
LOANS.....	45.0	55.0	43.1
GRANTS.....	62.9	73.0	69.3
A.MAP GRANTS.....	60.0	70.0	67.0
B.CREDIT FINANCING....	45.0	55.0	43.1
C.INTL MIL.ED.TRNG....	2.9	3.0	2.3
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	147.9	208.0	189.0
LOANS.....	45.0	55.0	43.1
GRANTS.....	102.9	153.0	145.9
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	172.3	146.4	125.0	1861.6
IBRD	72.6	66.0	25.0	1106.8
IFC	14.5	0.2	0.0	26.2
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.2	0.2	0.0	3.4
OTHER-UN	0.0	0.0	0.0	0.2
EEC	85.0	80.0	100.0	725.0

ROMANIA

Romania is a highly centralized Communist state. The Romanian Communist Party, led since 1965 by President Nicolae Ceausescu, is described by the Constitution as "the leading political force in the whole of society." Through the Government, the party seeks to control every significant aspect of the country's life. In practice, the bureaucratic system leaves varying degrees of latitude to local officials to carry out central directives as well as to abuse their powers in violation of constitutional rights. Almost all aspects of life proceed within narrow bounds defined by the party and its leader. Political dissent is not tolerated. Criticism of the regime and its policies is suppressed by the ubiquitous Department of State Security.

Maintaining its policy of repaying its foreign debt obligations as soon as possible, Romania in 1986 continued to make drastic efforts to increase productivity and conserve energy and raw materials. Domestic shortages of consumer and food items have continued to worsen, especially during the winter months. Many basic foodstuffs are rationed, and meat is largely unavailable. Mandatory energy conservation measures result in many Romanian homes being without heat or cooking gas for much of the winter.

In the area of human rights, major discrepancies exist between generally accepted standards, for example as embodied in the Helsinki Final Act of the Conference on Security and Cooperation in Europe, and Romanian practice. Although Romania is a signatory of the Final Act and the Romanian Constitution guarantees many rights, the standards set in both documents are not precise on many issues, so that the guarantees are often meaningless in Romanian practice. The party, through the Government, continues to limit and often deny the right to free speech and free assembly and association, and to apply restrictions to religious practice. However, the Government has, within severely circumscribed limits, moved to accommodate some human rights concerns.

In 1986 the Government acted on several longstanding human rights issues. It agreed to permit the printing of some 5,000 Bibles for Baptist churches in Romania, with the promise of more in subsequent years based on need. It declared an amnesty in June for persons convicted of relatively minor crimes and also released several longer-term prisoners identified with issues of religious freedom and allowed them to emigrate to the United States. American religious travelers reported that they remained able to visit persons and places of their choosing, although they or their contacts subsequently have been questioned by the authorities. At the same time, other aspects of the Government's treatment of religious groups and the demolition of a number of places of worship, including a major Jewish synagogue and a large Seventh-Day Adventist church, in the name of urban reconstruction, caused major concern.

In 1986 the Government continued its "principled opposition" to emigration, discouraging individual cases by complicated, slow-moving procedures and coercive tactics. Potential emigrants often must wait several years before they receive exit approval, although the hardships endured by such intending emigrants have been reduced considerably by a 1985 U.S.-Romanian understanding on emigration procedures. Departures for the United States, Israel, and the Federal Republic of Germany in 1986 totaled 15,222, mainly under the

rubric of family reunification. This figure represents a decline from the 1985 total of 17,350.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no substantiated reports of political killings in Romania during 1986. There were allegations that the death of an ethnic Hungarian actor, Arpad Visky, was caused by the security police, but there is other information contesting this charge. At the same time, no Romanian investigation was ever made public in the case of Gheorghe-Emil Ursu, a detainee who died in November 1985 under unexplained circumstances. Some sources claim the prisoner suffered beatings at the hands of the police which led to his death. The available information, though not definitive, appears to lend credence to these reports.

b. Disappearance

There were no substantiated reports of politically motivated disappearances. However, family and friends of persons arrested on political charges are frequently left unaware of their circumstances and location for long periods of time.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were numerous reports of mistreatment of persons while in Romanian prisons or police custody. Acts of violence perpetrated by police authorities attempting to obtain information are frequently reported. Romanian authorities also use physical and mental degradation to intimidate those caught or suspected of wrongdoing. Persons detained for questioning are often held incommunicado and kept for long periods without sleep, food, or toilet facilities. Numerous reports say those caught attempting to leave the country illegally, for example, are subject to extreme physical and mental harassment, often prior to being given only relatively light sentences if they are first offenders. Prisoners also report that, in the case of those who have received long sentences for political offenses, wives are sometimes pressured to divorce their spouses.

Among numerous other reports of mistreatment, the most common complaints concern cells which are badly ventilated and poorly heated, bad food in extremely small quantities, difficult working conditions, long periods of isolation, excessive use of force by guards, overcrowding, and segregation of persons deemed "dangerous to the State" because of religious belief or for other reasons. Several prisoners reportedly have been denied outside medical care or even the use of medicines brought to their prison by family members. By law, some Romanian convicts are not required to work; the State uses this provision to keep some prisoners effectively in solitary confinement, whereas others in this category, whom the State does not wish to segregate, reportedly are made to sign "voluntary" requests to be allowed to work.

d. Arbitrary Arrest, Detention, or Exile

Persons detained for investigation often are held incommunicado. Detention of varying duration, usually a matter of hours, followed by release without charge, continues to be widespread. Such arbitrary detention may be repeated several times, with subjects called back for additional lengthy interrogation and threatened with further harassment or punishment for their actions. This treatment is particularly common for those religious activists who are detained. There is no provision for bail.

The scope of Romanian criminal law is broad enough to insure that persons coming under official scrutiny may be convicted of some offense. Examples of typical charges are "defaming the Socialist order" for speaking frankly to a foreigner; "disturbing the peace" or "illegal" assembly for private prayer meetings in the home; "social parasitism" if unemployed but technically guilty of no other offense; or "distributing literature without a license"--a felony--if found attempting to hand out free Bibles. A June 1986 presidential decree granted amnesty for certain offenses to most Romanians sentenced to prison terms of less than 5 years and also reduced longer sentences. This action freed a number of persons imprisoned on relatively minor charges related to their religious activities.

Exile is not a sanction under Romanian law, although there have been cases of persons "temporarily exiled" by being taken to a remote location and detained.

Romanian citizens are required to perform involuntary labor, but for the most part this seems to fall within the area of "civic obligations." The labor exactions are general throughout the population. For example, a 1971 law, amended in 1985, requires up to 6 days' unpaid labor per year from each citizen. The 1985 amendment, however, specifically provides that additional tax payments can be substituted for days not worked. Sanctions for nonperformance are light, and in many jurisdictions the requirement for contributions of work (or additional tax payments for days not worked) is apparently not enforced. Students 11 years of age and older perform "patriotic work" in agriculture or elsewhere, sometimes 8 to 10 hours daily for several weeks, especially during the harvest. The Union of Communist Youth organizes "youth brigades" for this purpose. Some religious groups reportedly have been "encouraged" by local authorities to perform unpaid labor in the fields on Sundays as a means of securing official approval for church building permits or other benefits for their congregations.

e. Denial of Fair Public Trial

Although Romanian law sets standards for proving guilt, in practice an accused person often is considered guilty until proven innocent. The ability of the accused to defend himself effectively in a fair trial can be severely limited, especially in politically sensitive cases. Although authorities occasionally take pains to display an appearance of regard for correct procedure and due process of law, Western observers continue to gain the impression that being brought to trial in Romania is in many cases an almost sure guarantee of conviction. In 1986 there were clear cases of fabrication of evidence and suborning and intimidation of witnesses by prosecuting authorities, as well as of what appeared to be

violations of Romanian law regarding court procedures. Defendants are often tried without counsel or are represented by state-appointed attorneys whose role appears to be that of apologizing for defendants' offenses. Members of the judiciary, like other officials, are subject to the authority of the Communist Party.

An example in 1986 of a trial which appeared politically motivated was the case of Ioan Ruta. Shortly after Ruta, the head of an enterprise employing 150 people, applied to join his wife, who had elected to remain permanently in the United States while on a business trip, he was charged with accepting bribes. Observers found the evidence questionable and inconclusive, with defense witnesses too intimidated to appear in court. Ruta was convicted and sentenced to 7 years in prison.

Most trials are held in public, though secret trials are common where state security is involved and may also be permitted in certain other cases. Foreign observers in 1986 continued to be able to attend public trials of high local or international interest.

It is impossible accurately to estimate the number of political prisoners in Romania, though the number could be several thousand. This includes those convicted for attempting to leave Romania illegally, "parasitism" (no visible legal means of support), illegal economic activities, and protesting against the political or social system.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Romanian laws and regulations governing the security apparatus sanction a high degree of interference with the individual and the family. The interference is somewhat mitigated by the impossibility of total control, by uneven application of regulations, and by official corruption.

Deliberate and arbitrary interference with the privacy of the family, home, and correspondence is a frequent occurrence. Searches are made of private homes, persons, and personal effects without search warrants or probable cause that a crime may have been committed. Militiamen at checkpoints located on most roads leading out of the cities and at major highway intersections in the countryside randomly stop and search vehicles as a matter of course. Persons on tram cars and city buses often are asked for identity documents and have shopping bags and personal belongings checked by the authorities.

The authorities frequently enter homes on the pretext of looking for building code violations, excessive consumption of electricity, illegal use of electrical appliances, etc. These searches facilitate the discovery of other items, such as forbidden books and publications, religious materials, or any other evidence of "wrongdoing."

Violation of privacy of the person also arises from the antiabortion campaign. Mandatory pregnancy tests and physical examinations take place bimonthly for many female workers in order to insure that pregnancies are discovered and carried to term.

Complaints about interference with both domestic and international correspondence continue. Letters to or from

persons of interest to the authorities often never arrive at their destination. People have reportedly been questioned by the security police about topics discussed in letters which were delivered seemingly unopened. On other occasions, people have been questioned about statements made in letters sent abroad but never received by the addressees.

The Government has the capability to monitor domestic and international telephone calls and appears to do so frequently.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These freedoms are severely restricted. While the Constitution guarantees freedom of speech and press, it prohibits their use for any purpose "hostile to the Socialist system and the interests of the working people," as defined by the State and party. Similarly, the Penal Code prohibits "propaganda with a Fascist (as defined by the State) character delivered in public by any means...(or)...the undertaking of any action for the changing of the Socialist system...." It also prohibits acts "which would result in a danger to state security;" these offenses are punishable by prison terms of up to 15 years.

The Government seeks to control the domestic dissemination of information in a variety of ways. Though official censorship was abolished some years ago, all media are state owned, rigidly controlled, and used primarily as the vehicle for government and party propaganda. Western radio broadcasts in the Romanian language are not jammed and are a major source of both foreign and domestic news for the Romanian people. Western publications are not generally available, although foreign cultural centers and libraries are open to the public and are allowed to distribute limited quantities of Western periodicals. The unauthorized importation or distribution of foreign publications is forbidden. In 1986 there were frequent reports of confiscations of foreign-source materials, including Hungarian language publications, at the border. Romanian libraries carefully control access to "restricted" materials such as prewar historical texts. For live theater, official boards must approve all new productions before the opening performance. Serial numbers and type-face samples of all typewriters must be registered with the authorities, and the use of duplicating machines is strictly regulated.

b. Freedom of Peaceful Assembly and Association

The Government attempts to control all group activity. No organization independent of government or party influence is permitted to exist. Peaceful assembly and association without permission are usually short-lived and may bring severe penalties to those involved. Citizens are strongly discouraged from making contact with foreigners and are required to obtain permission in advance to attend functions held by non-Romanians. New decrees promulgated late in 1985 but never officially published (and often not obeyed) further discourage contacts with foreigners and strengthen the requirement that all such contacts be reported to the authorities within 24 hours.

The Constitution guarantees the right to join a union. As noted earlier, however, it also enshrines the Communist Party as "the leading political force in the whole of society," which applies specifically with respect to labor unions and

other "mass and public organizations." Trade unions independent of the party are thus prohibited, and workers do not have the right to form associations, elect representatives, or affiliate with international organizations except through the official unions.

Workers do not have the right to organize or bargain collectively. While they nominally have a direct voice in the management of the workplace through the unions that all must join, in many factories the senior party official is also the union's chief executive, and the primary function of the unions is to channel party doctrine and directives to the workers. Unions also dispense social benefits, such as vacations at union-owned hotels (for which the member pays only a fraction of the real cost), low-interest loans, and access to cultural, educational, and other leisure activities.

Romania's labor code is silent on the right to strike, except to elaborate procedures by which the union leadership is required to mediate disputes between the workers and management, with recourse to the courts where the dispute cannot be settled. In practice, sanctions available to the party and the union make it unlikely that such disputes would reach the courts. In the past, the Government's reaction to actual strikes, or to advocacy of the worker's right to strike, has been harsh repression.

Brutal suppression of miners' strikes in the late 1970's led to a complaint by the World Federation of Labor and an investigation by the International Labor Organization (ILO). Inadequate responses, failure to respond further to charges, and refusal to accept a direct-contact mission led the ILO to find Romania substantially in violation of generally accepted labor standards. In 1986 Romania reportedly resumed discussions with the ILO, but no resolution of the matter has been reached.

Work stoppages and labor unrest caused by dissatisfaction about food shortages, pay, or lack of heat have increasingly been reported. The institution of unrealistic production and sales quotas and penalties in the form of salary deductions for failure to meet them has increased worker dissatisfaction.

c. Freedom of Religion

Religious practice is active and widespread, yet closely controlled and circumscribed by the Government. The Government subsidizes some religious groups, but actions by central and local authorities which abridge basic religious rights are a continuing source of concern. The Communist Party advocates atheism, and religious activism by state officials and party members is not permitted. Schoolchildren are taught to be wary of religious "superstition." Newspapers and other party-controlled media regularly portray religious believers as ignorant or backward.

Article 30 of the Constitution provides for "freedom of conscience" for all citizens, with freedom for individuals to share or not to share a religious belief and for churches to "function freely," subject to laws governing church organization and operation. Those who do not challenge the limits imposed by the Government on church activities may practice their religion quietly. With such "freedom" comes the disadvantage that those who exercise it are less likely to

advance far in their trade or to enter such professions as law or medicine.

The Government recognizes 14 religious denominations and, through the Department of Religious Affairs, exercises broad discretionary powers over the various religious groups. The Government subsidizes clerical salaries (which some denominations do not accept), issues licenses to preach, approves permits for church construction or renovation, establishes the number of new admissions to seminaries, and controls the importation or printing of religious materials, including Bibles. These powers often are used arbitrarily, especially against groups that arouse official concern.

Government restrictions are aimed most intensely at groups whose beliefs, in the Government's view, inspire "antisocial" or "anti-Government" behavior. Press articles periodically criticize these groups for being "fanatic," or "antisocial," or for professing beliefs that conflict with Romanian law. In recent times, however, the unrecognized religious groups have been tolerated by the Government, although their worship services occasionally are treated by local authorities as "illegal assemblies," with the participants arrested or fined.

The rapid growth of the evangelical denominations has led to pressures for more religious training, more printing of religious materials, and the expansion and construction of more churches. Conflicts between evangelical groups and the authorities have arisen frequently, and the Government's response has been harsh. Activists who are devout and vocal are kept under surveillance and often are subject to loss of jobs and social benefits, police intimidation or arrest, and in some cases beatings.

The shortage of Protestant Bibles has led some Romanians to risk harsh penalties and even imprisonment for smuggling them into the country. In 1986, however, a number of imprisoned religious activists were released. Constantin Sfatcu, convicted in 1985 of attempting to murder a police officer after Sfatcu was caught transporting "illegal" Bibles, was released and allowed to emigrate to the United States, as were a number of others, including Dorel Catarama, a Seventh-Day Adventist, and three Baptist pastors. An elder of a Ploesti Evangelical Brethren Church, Ilie Neamtu, was convicted in 1986 and given a severe sentence, although the circumstances suggest that Neamtu's real offense was organizing a series of Evangelical meetings among his co-workers. Neamtu's conviction, however, was overturned in November by an appeals court which ruled the charges against him were incorrect.

In a positive development in 1986, Romanian authorities agreed to the printing of 5,000 new Bibles for the Romanian National Baptist Union, the first such printing since the 1920's. They also agreed to the printing of several thousand additional Bibles in subsequent years, depending upon the need. At the end of the year, arrangements for the printing of the first group of Bibles had not been completed.

Concerns remain regarding the maintenance, repair, and construction of church buildings. A large Seventh-Day Adventist Church in Bucharest, located in a renovation zone, was demolished in August. Although the Government has promised to allow the purchase of a replacement facility, none of the sites proposed by the Church have been approved. Since August, the congregation has been meeting in a temporary

structure totally inadequate for its needs. A Baptist Church in Hunedoara is making its final appeal on an alleged building code violation; if it loses, a substantial part of the church building will be demolished. Several other congregations whose churches were destroyed in previous years are still awaiting approval to rebuild. An Evangelical Brethren Church in Brinceni recently lost a court case involving the validity of the sales contract for its building and now must find new quarters. The country's largest Baptist Church, in Oradea, has been told that approval previously granted for construction of a new church, on land purchased at great expense, has now been revoked, leaving the several thousand-member congregration in an overcrowded building with a decaying foundation and no sewer facilities.

Seminary admissions remain extremely limited. In 1985 the Baptists were allowed only four new students, the Seventh-Day Adventists and Pentecostals, three each. By comparison, the Baptists were permitted an average of 40 per year in the late 1970's.

The Government remains in disagreement with the Roman Catholic Church on a number of issues, and the church technically remains without an approved government charter. However, the church is allowed to operate as if it were fully recognized.

The Government continues to permit the operation of an active Jewish community organization throughout the country. Jewish leaders also continue to be able to travel freely outside Romania. However, there were a number of problems in 1986. In the course of a major urban renewal project in Bucharest, a large old age home was demolished before a replacement facility was ready, and a major synagogue was torn down despite earlier indications from the Government that this would not occur. Responsible Government authorities have since given assurances that the remaining key Jewish community facilities will not be disturbed. The Jewish community also has been distressed by anti-Semitic overtones in two recent publications. Community leaders protested vigorously and were told that those responsible would be punished. Recent reports indicate that the editor of one of the publications has been dismissed. The Government did allow the Chief Rabbi to respond publicly in the Jewish community newspaper to one of the pieces, but neither of the offending publications has printed the Rabbi's letters of rebuttal. A fire in October which damaged the synagogue in Buhusi, in northeastern Romania, has given rise to new concerns about anti-Semitism in Romania. However, the Government quickly denounced the act, and within several days arrested four suspects who were later convicted on charges of robbery and arson and imprisoned.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Except for certain military or other restricted areas (access prohibited) and border areas (access limited to residents of the areas and those with economic need to travel there), there are no official restrictions placed on travel within Romania. Because of economic hardships, however, travel within Romania can be difficult for the average citizen. The authorities sometimes reportedly seek to discourage citizens from traveling to meet foreign visitors or to attend particular functions.

ROMANIA

The right of a citizen to change his place of residence is restricted. All citizens are required to have residence permits and may not legally move from one town to another, or between districts within a city, without official permission. Implementation of residence permit regulations and antiunemployment laws has had the effect of diluting the ethnically homogeneous nature of some parts of the country heavily populated by national minority groups. Workers are technically free to change jobs, although antiunemployment laws and governmental controls limit this freedom in practice.

Travel outside Romania is treated as a privilege, frequently arbitrarily withheld, even for those who can "guarantee" their return by leaving a close family member behind. Older persons wishing to visit their children resident abroad generally have few problems.

Officially, Romania encourages tourism by making visas available for most visitors at the border. The Government has indicated, however, that certain U.S. citizens who formerly visited Romania as tourists would not be given visas for future visits, nor would they be allowed to reenter the country. In 1986 two American visitors were arrested and expelled from the country after attempting to contact prominent ethnic Hungarians. The Government refused to give the grounds for the expulsion except to insist, with no apparent justification, that their activities were inconsistent with tourist status.

Official policy continues to oppose emigration for any purpose but family reunification. Those who seek to leave Romania continue to face harassment designed to dissuade them and others who might be considering permanent departure. Successful applications take between 1 and 5 years before exit approval is granted. The Government refuses to allow some Romanians to apply for emigration passports at all.

The United States and Romanian Governments reached an understanding in 1985 on new procedures for processing persons seeking to emigrate to the United States. These procedures have substantially reduced the hardships formerly faced by Romanians given permission to leave permanently for the United States. They represent one area of progress by Romania toward fulfilling its commitments, under the Madrid Concluding Document of the Conference on Security and Cooperation in Europe, regarding treatment of intending emigrants.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Though the Constitution guarantees the right of Romanians to change their government and leaders, in practice the individual citizen has almost no voice in shaping public policy or choosing public officials. The Romanian Communist Party, led by the President and a few advisers, rules the country. No actual or potential alternatives to this present rigidly centralized control are apparent, and no meaningful opposition exists or would be tolerated. Public criticism of the Government, the party, and the state leadership is suppressed.

The Communist Party comprises more than 13.5 percent of the total population of the country. Women officially represent 52 percent of the general membership, and minorities are

reportedly represented in proportion to their numbers within the general population.

National parliamentary elections by secret ballot are held every 5 years. The public has no effective voice in the nominating process; candidates are chosen by the Front for Democracy and Socialist Unity, a mass organization whose president is Nicolae Ceausescu. Over 75 percent of its officers are Communist Party Central Committee members. Official statistics published after the March 1985 general election claimed that 99 percent of those registered actually voted, and 97.3 percent of these voted for the Front's candidates. Western observers closely watching the elections consider these figures highly suspect. The Parliament itself rubber-stamps the Government's proposals.

In Romania, the chief party executive for each city, county, or enterprise is also the chief civil executive. Internal party elections were held for the new Communist Party leadership late in 1984. Though these preceded the national general election by several months, those chosen for senior party posts the previous fall were universally "elected" to the corresponding public posts the following spring.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no human rights monitoring organizations operating in Romania. The Government has not commented officially on reports issued by governmental or nongovernmental organizations such as the Council of Europe, Amnesty International, or Freedom House, all of which have been critical. In 1986 Romanian authorities refused to approve a long-proposed visit by the International Human Rights Law Group. It did allow travel to Romania by American human rights attorney-observers at the bribery trial of Ioan Ruta described above.

Romania continues officially to proclaim that discussion and examination of its human rights situation is "unwarranted interference in domestic affairs," despite its professed support for human rights standards embodied in the United Nations Charter and in the Final Act of the Conference on Security and Cooperation in Europe. At the same time, discussion of human rights issues is a regular feature of diplomatic exchanges between the U.S. and Romanian Governments.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

According to official figures, the country's population includes about 2.7 million members of ethnic minorities, of whom 1.7 million are ethnic Hungarians. Hungarian sources claim that the true figure is closer to between 2 and 2 1/2 million ethnic Hungarians. Hungarians, Germans, Gypsies, and members of many smaller groups constitute about 12 percent of the total population. Romania's minorities live in a country infused with Romanian nationalism. School texts, history books, and mass media purvey a version of history which often ignores or belittles the role these minorities have played in Romanian history. Although there is no clear evidence of economic discrimination against minorities, the Government, despite public pronouncements to the contrary, appears to

encourage the integration and absorption of minority groups into one unified Romanian culture.

Although the Constitution forbids discrimination on the basis of ethnic background, and the Government claims it does not discriminate against minorities, there nonetheless are limitations on minority groups' freedom to express and maintain their cultural heritage. The principal groups which feel such limitations are the Hungarian and, to a lesser degree, the German minorities. Government efforts to centralize and economize by combining educational, social, and cultural facilities frequently affect minority groups disproportionately. For example, the mergers of schools, theaters, or other such institutions often result in the loss of the minority group's ethnic characteristics as the institutions become predominantly Romanian.

Strict government control of private organizations which are dedicated to the preservation of ethnic cultural practices is often viewed by members of minority groups as discriminatory. Both Romanian and non-Romanian television and radio broadcasting have been cut as an economy measure. However, despite government limitations, Hungarian- and German-language daily papers still outstrip their Romanian language equivalents in circulation in heavily ethnic areas.

In the field of education, reports from several sources indicate that there are no longer Hungarian-language high schools, but only Hungarian sections in Romanian high schools. Under longstanding rules, the minimum number of Romanian-speaking students required to form a Romanian class is far less than the minimum number of minority children required to form a class in their language. There continue to be reports that government practice is to assign mainly Romanian-speaking teachers to predominantly Hungarian areas, and most Hungarian-speaking teachers to predominantly Romanian areas. Although basic schooling still is available in minority languages such as Hungarian and German, students can take university entrance examinations and courses in minority languages only in a few disciplines.

Women are constitutionally guaranteed the same rights and privileges as men. The Government seeks to upgrade the role of women in society with specific policies in the areas of education, access to employment, and comparable wages. As a result, women are employed in virtually all sectors of the economy, and there is equal opportunity in education, but at the senior levels of responsibility and authority, they appear in far smaller numbers. The higher ranks of the party are occupied predominantly by male Romanians.

CONDITIONS OF LABOR

The Constitution guarantees the right to work. Unemployment is a crime ("social parasitism"). The Government closely controls the labor market and claims that there is no unemployment.

The Constitution guarantees an 8-hour workday (or a 6-hour day in "arduous" occupations), a 24-hour rest period each week, paid vacations, and the "right to leisure." Labor law elaborates these guarantees but allows employers to override these standards "if conditions warrant." In 1986 there were numerous reports of workers required to perform extra, uncompensated days of labor to make up for lagging production

or for some official holidays. Shift schedules and workdays have been arbitrarily adjusted, in some cases, to rationalize machinery use or energy consumption patterns.

There is no specific minimum employment age, although Romanian law requires schooling to the age of 16. Exceptions, however, are allowed for youths 14 years of age in temporary jobs and for youths of 15 employed in industrial work, so long as the employer provides continuing educational opportunities and shows that the work being performed is "appropriate for the age and condition" of the employee. In such cases, the law limits work to 6 hours per day. Children from age 11 may work in the fields, or in other "patriotic work," usually as part of a school or other group activity.

The labor code guarantees Romanian workers a safe environment. The Ministry of Labor has established safety standards for most industries and is responsible for enforcing these standards. In practice, however, observers report that workplace conditions in many factories present substantial health or safety hazards. Although management is reportedly aware of these deficiencies in most cases, emphasis on meeting production goals clearly takes precedence over safety and health in light of the Government's insistence on rapidly paying off the foreign debt and on pursuing industrial and economic development.

SPAIN

Spain is a parliamentary democracy with a constitutional monarch. The fundamental rights of speech, assembly, press, religion, movement, and participation in the political process are guaranteed in the Constitution of 1978. These rights extend to all and are respected in practice. At all levels of government, elections must be held every 4 years. Voter participation is high in these free and open elections.

The Spanish economy is mixed, with primary reliance on private initiative and market mechanisms. Although the economy is healthy, Spain currently has a high degree of unemployment, due in part to the Government's efforts to control inflation and reduce budget deficits. Women, youth, and minorities are disproportionately affected by the unemployment.

Human rights enjoy great respect in Spain. Charges of abuse of human rights most often occur in connection with political terrorism. Although it is government policy to reduce and eliminate antiterrorist violence, some law enforcement officers have been found guilty of mistreatment of presumed terrorists. In addition, the antiterrorist law has been criticized for not providing basic legal rights during the first 10 days of detention.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

According to the Minister of the Interior, in the first 7 months of 1986, there were 179 terrorist actions in Spain, killing 34 persons and wounding 100. Most of the terrorism was either claimed by or attributable to the Basque separatist group ETA-M (Basque Fatherland and Freedom Group). While the numbers themselves do not indicate an increase in terrorist activity, the public perception is that the situation is worsening. Recent attacks attributable to ETA-M have killed or wounded more civilians because of the increased use of car bombs. There have also been relatively more attacks in Madrid, although the bulk of ETA-M actions still occur in the Basque provinces. Terrorist activity by foreign groups included a bomb attack against the El Al airline at the Madrid airport. An alleged member of the Palestinian terrorist group Abu Musa was arrested in connection with this incident.

The final coroner's report on the 1985 case of alleged ETA activist Mikel Zabalza supported the police version of the incident--that Zabalza accidentally drowned in the Bidasoa River while attempting to escape from police custody. No one has been arrested and convicted in this case, and the case has been closed.

b. Disappearance

There are no claims that police or government security forces have carried out secret arrests or kidnapings. The Basque separatist group ETA-M engaged in one kidnaping for ransom in 1986.

SPAIN

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Government security forces have been accused, and in some cases convicted, of mistreating prisoners, chiefly in terrorism-related cases. According to the Ministry of Interior, 376 persons were arrested under the antiterrorist law in the first 9 months of 1986. Of this number, 161 were prosecuted. The majority of those arrested under the antiterrorist law filed complaints of police brutality, including torture. In the first 9 months of 1986, 811 such complaints were made. The Government asserts that a detainee under the antiterrorist law routinely lodges a complaint of police brutality or torture whether or not there is cause. For the first time, a detainee who complained of police brutality was sentenced in 1986 to 6 months' imprisonment for a false denunciation. The sentence is under appeal.

Nevertheless, there is evidence that police brutality and/or torture occurs, especially in connection with the antiterrorist law. Early in 1986, the courts sentenced some 39 members of security forces for mistreatment of prisoners arrested under the antiterrorist law, many of the cases going back a number of years. There are presently two cases of alleged police brutality which involve police lieutenants. Also, a case has been brought against a high-ranking Interior Ministry official for his alleged coverup of police brutality when he was Chief of Police in the Basque city of Bilbao. In addition, the Provincial Court of Madrid has asked the Supreme Court to inquire into the responsibility of the Interior Minister for the application of the antiterrorist law to a common criminal called "El Nani" in 1983. "El Nani" disappeared during the period of incommunicado detention. In August and September 1986, the Government refused a court order for 90 members of the Guardia Civil to appear in connection with charges of police brutality. The Government claimed that public identification in the Basque country raises serious problems of security for the persons concerned. Critics charge that failure to obey the court order is an obstruction of justice.

d. Arbitrary Arrest, Detention, and Exile

In general, people are free from arbitrary arrest and detention. Many criticize the antiterrorist law, however, for providing a period of incommunicado detention which lends itself to police brutality and torture. A detainee under the antiterrorist law must be brought to the court's attention during the first 72 hours of detention, but the court has discretion to extend the period prior to arraignment for another 7 days. A person detained under the antiterrorist law has to be informed of his rights and the reason for arrest. The detainee may not choose his own lawyer; instead, one is provided to him from the private (and independent) association of lawyers. There is no provision for an independent medical examination. The Government contends that allowing the detainee to choose his own attorney or doctor might enable him to communicate with accomplices outside. The appointed attorney formally advises the detainee of his rights, including the right to remain silent, and is present during his interrogation. However, he may not consult with the detainee until the interrogation is completed.

There is no exile or forced labor in Spain.

e. Denial of Fair Public Trial

The Constitution guarantees the right to a fair public trial, and this right is observed in practice. The law provides for an expeditious judicial hearing following arrest. Defendants may always appeal to the next highest court, and up to the Council of Europe in cases concerning human rights.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.

Privacy of home and correspondence is protected by the Constitution. Under the Criminal Code, government authorities must obtain court approval before searching private property, wiretapping, or interfering with private correspondence. The antiterrorist law gives discretionary authority to the Minister of Interior to act prior to obtaining court approval "in cases of emergency." However, there have been no complaints that the Minister has abused this discretion.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government scrupulously observes the guarantee of free speech and press provided in the Constitution. Opposition viewpoints are freely expressed in speech and through the media.

b. Freedom of Peaceful Assembly and Association

As provided in the Constitution, all groups have the right of free assembly and association for political or other purposes.

Under the Constitution, trade unions are free to organize, bargain collectively, and strike. About 14 percent of the Spanish work force is unionized. Trade unions are not subjected to official harassment. They freely maintain ties with recognized international organizations.

c. Freedom of Religion

There is no state religion in Spain. Catholicism is the predominant religion, but other religions are represented and function with full freedom. Adherence to a particular faith neither enhances nor diminishes a person's secular status.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Spanish citizens have the freedom to travel in and outside the country. The Government restricts neither emigration nor repatriation. A law controlling the residence of aliens, of which there are some 700,000, is under constitutional challenge. One of the most frequent criticisms of this law is that it permits the detention of an alien, often for long periods, until his expulsion. After a series of demonstrations by non-Spanish (primarily Moslem) residents in the North African cities of Ceuta and Melilla, the Government has agreed to help resolve outstanding problems and has appointed a representative as special advisor to the Minister of the Interior. The non-Spanish Moslems continue to object, nevertheless, that the law on residence of aliens discriminates against them and that it is being applied in an uneven manner.

SPAIN

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Spain is a multiparty democracy with open elections in which all citizens over the age of 18 have the right to participate. Opposition groups exist openly and take active part in the political process. Free and actively contested elections to the national Parliament, as well as to several regional parliaments, were held in 1986.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government maintains good relations with international human rights groups, such as Amnesty International and the International Committee of the Red Cross, as well as with national groups, such as the Spanish Human Rights Association. The Foreign Ministry, through an Office of Human Rights Affairs, takes an active interest in human rights issues internationally.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Education and economic and social services are generally available to all without discrimination of any kind.

Spain's Constitution guarantees women the same rights as men. In practice, however, there is evidence of discrimination in terms of employment and advancement. In addition, many Spanish women accept traditional limitations on opportunity. Because of this, the Women's Institute, a part of the Ministry of Culture, has as one of its major goals the education of women regarding their options. To this end, the Women's Institute, during the past year, has instituted training courses for women and is developing a pilot program to help housewives reenter the work force. The Women's Institute also has planned for 1987 a series of television advertisements which will make women aware of the range of job options open to them. Another area in which the Women's Institute has effected a great advance is that of battered women. In addition to the shelters which it has established for counselling, the Women's Institute has worked closely with the police to create special sections operated by female police officers within police stations in order to give women confidence to present complaints of abuse or rape.

Gypsies are a minority group representing 3 percent of the Spanish population. They sometimes suffer discrimination in housing, schools, and jobs. Legal mechanisms exist by which they can seek redress, for example, from discrimination by an employer. As a practical matter, however, Gypsies do not normally seek such redress. Gypsies still suffer from occasional violence, in which racism may be one element. In the village of Martos in Andalucia, some 200 townspeople burned 30 Gypsy homes on July 12, 1986. The Government is committed to securing equal rights and treatment for Gypsies. To that end, the Government has appointed a representative of the Gypsy community as special advisor to the Minister of Interior.

SPAIN

CONDITIONS OF LABOR

Workers in general have substantial well-defined rights. A 40-hour week was established by law in 1983. Spanish workers also enjoy 12 paid holidays a year and a month's paid vacation. A minimum wage tied to the cost of living is provided by law. Children under 16 years of age may not be employed. Working and health conditions are generally good. Workers in the underground economy, estimated to be as high as 25 percent in some areas, do not have the same protections and benefits as those in the open economy.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SPAIN

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	12.0	12.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	12.0	12.0	0.0
A.AID	12.0	12.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	12.0	12.0	0.0
(SEC.SUPP.ASSIST.)...	12.0	12.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	403.0	402.9	385.2
LOANS.....	400.0	400.0	382.8
GRANTS.....	3.0	2.9	2.4
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	400.0	400.0	382.8
C.INTL MIL.ED.TRNG....	3.0	2.9	2.4
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	415.0	414.9	385.2
LOANS.....	400.0	400.0	382.8
GRANTS.....	15.0	14.9	2.4
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	105.0	140.0	160.0	988.1
IBRD	0.0	0.0	0.0	416.3
IFC	0.0	0.0	0.0	11.6
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.0	0.0	0.0	8.6
OTHER-UN	0.0	0.0	0.0	1.6
EEC	105.0	140.0	160.0	550.0

SWEDEN

Sweden is a constitutional monarchy, whose King is Chief of State. All executive authority is vested in the Cabinet, which is formed through direct parliamentary elections every 3 years and consists of a Prime Minister (head of government) and some 20 ministers. The 349 seats in the unicameral parliament are divided proportionally among the 5 political parties currently represented. The Social Democratic Party, Sweden's largest, was returned to power in the September 1985 elections, though with a reduced parliamentary plurality.

Sweden is an advanced industrial democracy with a high standard of living, extensive social services, and a mixed economy. Over 90 percent of business is privately owned.

Private persons are entirely free to express their political preferences, pursue individual interests, and seek legal resolution of disputes. Ombudsmen, appointed by the Parliament and possessing full autonomy, investigate private complaints of alleged abuse of authority by officials and stipulate corrective action, if required.

Respect for human rights is a basic social value that underlies Sweden's active support of international efforts to improve human rights observance. The human rights situation was largely unchanged in 1986.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for Integrity of the Person, Including Freedom from:

a. Political Killing

Killing for political motives by government or domestic opposition groups does not occur. The murder of Prime Minister Olof Palme has not been resolved, however, and the motive for his assassination is still unknown. During 1986 several Kurds residing in Sweden were murdered. The only case that has been solved revealed that the murder was an act of political revenge arranged by the Kurdish Communist Party. The Government minimizes the potential for terrorism through cooperation with Interpol, refusal of visas to known terrorists or persons with terrorist connections, border control by immigration and customs authorities, and surveillance of foreign persons who appear to be spying on refugee groups in the country.

b. Disappearance

Abduction, secret arrests, or clandestine detention by Swedish authorities does not occur.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment.

Swedish law prohibits these abuses, and such prohibitions are respected by the authorities. Occasional accusations made against individual policemen for alleged excessive use of force in connection with arrests are carefully investigated and have not produced evidence of a systematic problem. Prison conditions are generally good.

SWEDEN

d. Arbitrary Arrest, Detention, or Exile

Statutory guarantees of individual liberty are observed. Persons disturbing the public order or considered dangerous may be held for 6 hours without charge. Criminal suspects may be held no longer than 12 hours without formal charges. If a person files for bankruptcy and refuses to cooperate with the official investigation, a court can order detention for up to 3 months (with judicial review every 2 weeks). Arrest is open and by warrant. Bail does not exist, but suspects not considered dangerous or likely to destroy evidence are released to await trial. By law, Swedish citizens cannot be expelled from the country. Convicted foreign criminals are often expelled at the conclusion of their prison terms, unless they risk execution or other severe punishment at home.

Severe criticism was directed at policemen who detained a Chilean refugee for 3 days without providing him a Spanish-speaking interpreter. He had no means of communicating with the police due to the language barrier, and his two small children were left alone in the meantime. The Government is presently looking into how such incidents can be avoided in the future.

Forced or compulsory labor does not exist in Sweden.

e. Denial of Fair Public Trial

The Constitution forbids deprivation of liberty without public trial by a court of law. The judiciary functions freely and independently. The accused has the right to effective counsel, although budget cutbacks since 1983 have restricted the availability of public defenders to cases where the maximum penalty could be a prison sentence of 6 months or more. There are no military courts in peacetime.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Freedom from such interference is guaranteed by law. Home searches are limited to investigations of crimes punishable by at least 2 years' imprisonment, such as murder, robbery, rape, arson, sabotage, counterfeiting, and treason. Wiretapping is permitted only in cases involving narcotics or national security. Searches and wiretaps normally require court approval. When the time factor is critical, or when life is believed to be in immediate danger, the ranking police officer can approve these measures. Search warrants are granted only after deliberation and only on the basis of well-founded suspicion.

Human rights groups in Sweden expressed concern about the increased number of wiretappings. In 1980 the number of persons subjected to wiretapping was 220, while in 1984 the figure increased to 414. As a result of the Palme murder, some observers are concerned that the figure will increase further. There is no indication, however, that telephone monitoring is done arbitrarily.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Swedes enjoy these freedoms fully. Government subsidies to daily newspapers, regardless of political affiliation, assure

the expression of differing opinions. Publication of sensitive national security information and excessive violence in films and television are subject to censorship. Commercial video tapes will soon be screened and stopped as well if they contain scenes of unacceptable violence. Radio and television broadcasting are a government monopoly, while newspapers and periodicals are for the most part privately owned and published.

b. Freedom of Peaceful Assembly and Association

Swedes exercise these freedoms without restraint. Public demonstrations require a police permit, for which applications are routinely approved.

Workers are free to organize and have the right to strike. A large majority of the working population belongs to trade unions, including career military personnel and civilian government officials. Unions and trade associations conduct their activities with complete independence from the Government and pursue intensive international contacts.

c. Freedom of Religion

Swedes have unimpaired religious freedom. There is a state Lutheran Church, supported by public funds, but all faiths may be freely observed. Parents have full freedom to teach their children religious practices of their choice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement within and from the country and voluntary repatriation are guaranteed by law and respected in practice. Refugees, displaced persons, and others seeking political asylum are on the whole generously treated, though long waits and denial of asylum requests from applicants not meeting internationally agreed criteria are becoming common.

The arrival of more asylum-seekers, many undocumented, from the Middle East has posed a humanitarian problem. Long delays in deciding asylum cases and the return of asylum-seekers to Lebanon, Turkey, and Poland prompted protests from immigrants and human rights groups in Sweden during the year. Denials of entry at the border to alleged refugees have also aroused criticism by the same groups.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Sweden has a long history of vigorous democratic political life within a representative, multiparty parliamentary system. To enter Parliament, a party must win a minimum of 4 percent of the votes cast. There is universal suffrage over age 18. Although voting is not compulsory, nearly 90 percent of eligible voters participated in the 1985 elections. Aliens who have been legal residents for at least 3 years have the right to vote and run for office in municipal elections. There has been periodic public discussion about extending this right to national elections.

SWEDEN

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.

Ombudsmen serve as official governmental monitors of individual rights in Sweden, effective both in making citizens aware of their rights and publicizing and correcting abuse of state authority. Active private organizations monitor issues such as the impact on individuals of comprehensive social legislation and the condition of the native Lapp population. Government agencies are in close contact with Amnesty International, the Red Cross, church organizations, and a variety of other private groups working in Sweden and abroad to improve human rights observance. State-supported Stockholm University offers instruction in making human rights complaints to bodies such as the European Commission on Human Rights.

The United Nations Human Rights Commission in October 1985 studied Sweden. The commission commented upon the fact that Sweden lacks forceful legislation against racism. Sweden's answer was that such legislation would not be compatible with its Constitution which guarantees full freedom of speech and the right to form organizations.

In July 1986, the European Commission for Human Rights criticized Sweden for a violation of human rights. The case involved a man whose house had been taken 9 years before by the local authorities while waiting for the completion of the city plan. The following week the local authorities allowed the man to buy his house back.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

In 1986 the Government appointed a special ombudsman to deal with complaints of racism or discrimination. Civil and criminal penalties for discrimination will be increased.

Basic human needs for the entire population are thoroughly met without discrimination. The State provides social welfare and medical services, benefits to families, pensions, and disability and unemployment insurance. The Government runs special programs to help immigrants adjust to Swedish life and culture (including 240 hours of paid language instruction).

Institutionalized efforts continue to extend equality between the sexes through equal employment opportunity, legal protection of the right-to equal pay for equal work, and public education to break down sexual stereotypes. A public ombudsman, called the equality ombudsman, investigates complaints of sex discrimination in the labor market. Employers are required to base hiring decisions on merit and to pursue actively the goal of equality.

CONDITIONS OF LABOR

Sweden rigorously upholds international standards regarding working conditions, child labor, and occupational safety and health. At each work site there is a designated ombudsman to monitor observance of these regulations. Full-time employment is permitted beginning at age 16, but those under age 18 may work only during daytime and under a foreman's supervision. Those age 13 can be hired for part-time work or light summer job work for periods of 5 days or less. There have been no reported abuses of these rules.

SWITZERLAND

Switzerland is a constitutional democracy with a federal structure. Federal legislative power is vested in a bicameral legislature elected by universal suffrage every 4 years. The Constitution guarantees all basic freedoms. Initiative and referendum procedures provide avenues for significant changes in policy through direct action. Despite linguistic and religious diversity, Switzerland has developed a political system based on national consensus.

Individual cantons have considerable autonomy. They are directly involved in many human rights matters, subject to limitations established by Federal legislative and constitutional guarantees. Persons contending that their rights have been violated at cantonal level can seek redress in Federal courts.

Switzerland traditionally serves as host for many international organizations and conferences concerned with humanitarian law and human rights, including the International Labor Organization and the International Committee of the Red Cross (ICRC).

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

No such occurrences took place in Switzerland in 1986.

b. Disappearance

There were no reports of abduction, secret arrests, or clandestine detention.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution provides freedom from all of the above, and there were no allegations of any violations.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest, detention, or exile is guaranteed by law. A detained person may not be held longer than 24 hours without a warrant of arrest issued by the judge conducting the preliminary investigation. A suspect must immediately be shown the warrant and has the right to contact legal counsel as soon as a warrant is issued. A suspect may be detained with a warrant until the investigation is completed, but the length of investigative detention is always reviewed by higher judicial authority, and investigations are typically completed quickly. Bail, or release on personal recognizance, is granted unless the examining magistrate believes the individual is a danger to society or will not appear for trial.

There is no forced or compulsory labor in Switzerland.

e. Denial of Fair Public Trial

The Constitution guarantees public trials. Minor cases are tried by a single judge, difficult cases by a panel of judges.

and murder or other serious crimes by a public jury. Even the most serious cases are usually brought to trial within several weeks or, at the most, a few months.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There were no allegations of violations of this nature by Swiss authorities.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There are no restrictions on freedom of speech and press except in cases involving groups or associations considered a potential threat to the State. No groups or associations are so designated at the present time.

b. Freedom of Peaceful Assembly and Association

The only restriction on peaceful assembly and association is a requirement to obtain permits from police authorities before holding public meetings. These are rarely refused unless authorities have reason to believe the meeting will lead to violence. Public opinion and the media reacted strongly against occasional past complaints of police overreaction when demonstrations, generally involving youth, became violent. Such incidents diminished in number and intensity during 1986.

Labor unions enjoy full freedom to organize, strike, and influence political decisions. Swiss labor relations have been characterized by industrial peace, and strikes and similar labor unrest are practically unknown.

c. Freedom of Religion

Switzerland enjoys religious freedom. The legal requirement for universal male military service provides no exemption for conscientious objectors, who are nearly always convicted for refusal to serve. Efforts to modify the Constitution to move toward effective decriminalization of conscientious objectors and to provide alternative service for those claiming exemption for reasons of conscience have been unsuccessful to date, although such efforts continue.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Swiss citizens have freedom to travel in or outside the country and can emigrate without difficulty. Switzerland was traditionally a haven for refugees, but concern over demands upon public services by growing numbers of asylum-seekers has tempered public support for continued liberal policies in this regard. Situations involving economic migrants, e.g. Tamils from Sri Lanka, led to reiteration of the policy that applicants failing to meet criteria for political asylum are required to depart Switzerland. In one case in 1986, a Turkish national intercepted crossing the border illegally was returned to Italy. The Swiss people remain generally willing to assist political refugees, but Federal and cantonal actions reflect the growing popular view that Switzerland should

adhere to a narrow definition of those entitled to such assistance.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Switzerland is a highly developed constitutional democracy. There is now universal adult suffrage in Federal elections. Initiative and referendum procedures provide unusually intense popular oversight of, and involvement in, the legislative process through direct participation in government decisions at Federal, cantonal, and local levels.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no requests during 1986 for outside investigations of the human rights situation. Switzerland cooperates with international and nongovernmental groups in all areas of human rights. The ICRC is made up of Swiss nationals, and they play prominent roles in other humanitarian nongovernmental organizations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The traditionally limited involvement of women in the political and business worlds continues to expand slowly. Twenty-five women (10 percent of the total membership) were elected to the Federal Parliament in 1983; since 1984 a woman has served on the 7-member Federal Council, the nation's executive body.

One of the 26 cantons still excludes female suffrage at the cantonal and local levels. Women are still subject to some legal disabilities, are still typically paid less than men for equal work, and remain underrepresented in senior positions in industry, banking, and government.

Italian and Romansch linguistic minorities (respectively about 10 percent and 1 percent of the population) express concern that the limited resources made available to them by the Federal Government endanger the continued intellectual vitality of these languages. Some argue that this amounts to deprivation of freedom of speech. Recurrent complaints at lack of an Italian-language university were answered by the announcement in 1985 of plans for a university-level technical institute in Lugano which, however, would not grant degrees.

The Federal Government seeks through careful apportionment of funds to ensure that all linguistic groups have commensurate facilities and means to carry out cultural activities in their own languages.

CONDITIONS OF LABOR

There is no national minimum wage. Industrial wages are negotiated during collective bargaining between employer associations and labor unions. The Labor Act sets maximum hours of work at 45 hours for blue- and white-collar workers in industry, offices, and retail trades, and 50 hours for all other workers. Currently, the work week for blue-collar workers in most industries is 43 hours, and for white-collar

workers between 40 and 43 hours. Overtime is restricted by law to 220 hours annually.

The Labor Act and the Federal Code of Obligations contain extensive regulations to protect the health and safety of workers. Special provisions exist for female workers, who may not be employed for dangerous work or, in most cases, at night.

About 15 percent of the Swiss population of 6.5 million is made up of longtime foreign residents, that is, foreign workers and families. Prompted by popular concerns that attribute unemployment to foreign labor, the Government has sought to limit the numbers of foreign workers entering Switzerland or obtaining residence permits. Federal and cantonal authorities have made efforts to integrate foreign workers and their families into social services programs, although there has also been some popular resentment at additional facilities provided to such foreign workers.

The minimum age for the employment of children is 15 years. Children over age 13 may be employed for light duties (e.g. helping in retail stores), for not more than 9 hours per week during the school year and 15 hours otherwise. Strict regulations govern employment of young people between the ages of 15 and 20; for example, they may not work at night or on Sundays, or under hazardous or dangerous conditions.

TURKEY

Turkey is a republic based on a multiparty parliamentary system and a strong presidency. Elections for public office are based on universal suffrage. Twelve parties competed freely in byelections held on September 28, 1986, in which the ruling Motherland Party won 6 of the 11 seats contested. General elections with full participation of all recognized political parties are scheduled for no later than November 1988.

The Turkish National Police (TNP) are responsible for maintaining public order in the country, except in martial law areas. In those areas, military authorities oversee security through the gendarmerie, which also functions as the police in rural areas. At the end of 1986, 5 of 67 provinces, all in the southeast where government forces have faced an armed insurgency by Kurdish separatist since August 1984, remained under martial law. In addition, eight provinces (Istanbul plus seven provinces in the southeast) remain under a state of emergency, which empowers their governors to exercise some of the powers of martial law commanders.

The end of martial law in November 1985 in Istanbul and Ankara removed a major restraint on freedom of the press, which is now free to publish almost anything.

Turkey is moving from a closed economy dominated by the state sector to a free market, export-oriented economy. Although the rates of inflation and unemployment are still high, the economy under the Government's structural adjustment program has made substantial advances.

The Constitution of 1982 and subsequent legislation place restrictions on the formation and activities of associations and unions, and on organic links between such organizations and political parties. There are no restrictions on the right of Turkish citizens to own property. The Constitution regards all citizens as Turks. Except for the special status granted to non-Muslim minorities by the Lausanne Treaty (1923), Turkey does not legally recognize the separate development of ethnic minorities.

In general, the positive trend in the observance of human rights continued in 1986. The Government made considerable progress in reducing human rights abuses, although significant shortcomings are still evident.

The judiciary has continued to demonstrate its independence. With two major exceptions, the mass trials of recent years were concluded, mostly with acquittals. Several trials initiated in 1986 against critics of the State were either dismissed or ended in acquittals.

High government officials have denied that torture is a serious problem in Turkey. With the return of democratic government, however, and the lifting of restrictions on the press, allegations of police brutality have been increasingly publicized, and the Government has taken swift action to prosecute the perpetrators. In addition, members of Parliament and the press have raised questions concerning repressive activities by security forces combating the armed Kurdish separatist insurgency in southeast Turkey. A number of reports, some of them medically documented, noted the police use of torture, usually during initial periods of

incommunicado detention. A draft law aimed at eliminating these abuses by requiring the presence of a lawyer during interrogation was defeated in Parliament in 1986.

In October the recently-appointed Minister of Justice condemned torture as a crime against humanity. Penalties for practicing torture remain low, with death by torture considered involuntary manslaughter (Turkish Criminal Code Article 243). A bill to raise the penalties for torture was defeated in Parliament in 1986. However, a revision of the Turkish Criminal Code, which dates from the founding of the Republic, is currently under way.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no accusations of politically motivated killings by government forces in 1986. In September 21 persons died in a terrorist attack on the Neve Shalom synagogue in Istanbul. Arab terrorists are believed responsible for the attack.

Numerous clashes between separatist Kurdish guerrillas and government forces resulted in the deaths of about 17 Turkish military and security personnel and an unknown number of guerrillas and civilians in 1986.

The Turkish General Staff (TGS) describes the insurgents as proponents of an independent Kurdish state, which would incorporate parts of present-day Turkey, Iran, and Iraq. Drug smugglers, Armenian terrorists, and Kurdish guerrillas operating from bases in Iraq, Iran, and Syria are all involved in the incidents, according to the TGS.

b. Disappearance

There were no known disappearances caused by either the Government or opposition groups.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution states that "no one shall be subjected to torture or ill-treatment incompatible with human dignity." However, the treatment of prisoners, especially during the initial pretrial period, remained an unresolved human rights issue. Politicians, the press, and outside monitoring groups alleged that prisoners were subject to torture and mistreatment in prisons and detention houses. Although many allegations concern treatment that could be defined as police brutality, i.e., they involved beatings by police officials aimed at intimidating a suspect or prisoner or resulted from personal animosity, in other cases the treatment clearly appears serious enough to have risen to the level of torture. Many allegations were documented by medical evidence. In a February 1986 interim report and in its October 1986 World Report, Amnesty International reiterated its charges that torture is "widespread and systematic" in Turkey.

With the return of full political democracy and a free press to Turkey, allegations of torture received wide publicity.

The Government has responded with prompt action to suspend the alleged offenders and investigate the circumstances of each case. In an interview, the Minister of Justice said 1,459 persons accused of torture were prosecuted in 1986. Of these, 100 were convicted, and many cases are continuing. At the same time, the Government frequently stated that alleging torture had become a standard defense in all types of criminal cases.

High government officials have criticized those who allege torture, charging that such allegations are political propaganda intended to destroy Turkey's international reputation. Although generally agreeing with these judgments, the newly appointed Justice Minister, in his first statement after assuming office, pointed out that torture certainly exists in Turkey, inasmuch as over 500 officials had been convicted of it. He went on to condemn torture and to express the Government's intention to eradicate it by prompt and severe punishment of offenders.

Punishment for torture may change with the adoption of a new criminal code now being drafted. Currently, the Criminal Code, which dates from the 1920's, categorizes murder by torture as unintentional manslaughter, which is normally penalized by 8 years' imprisonment. Penalties for torture which does not result in death are less severe, ranging from 3 to 5 years. In 1986 the Parliament defeated a bill, which was opposed by the Government, proposing the increase of this penalty to a range from 5 to 10 years.

Many Turks link the mistreatment of prisoners to widespread public acceptance of the notion that the police should enforce public order by whatever means are necessary. Other contributory factors include the generally low educational level of police personnel and the lack of adequate training. The Government has publicly recognized the latter problem by taking steps to upgrade the police force, requiring secondary level education for new recruits, and organizing special courses to instruct policemen as to their responsibilities and the limits on their powers under the law.

Prison conditions continued to be an issue of concern in Parliament and among nongovernmental bodies such as the Bar Association, members of which sent a petition to the Government in April requesting improvements. In February Adana prison experienced a 23-day hunger strike for better conditions. Government officials charge that this strike was politically motivated and directed from outside. There is general agreement, though, that conditions in prisons have improved as a result of the attention focused on this issue by the Parliamentary Prison Commission, the press, and other nongovernmental groups.

d. Arbitrary Arrest, Detention, or Exile

The Constitution requires a warrant from the public prosecutor for any detention, except in certain limited circumstances, e.g., when a person is caught redhanded. The arrest warrant itself is issued by a judge after a hearing. Persons taken into custody may be held incommunicado without charge by the police or public prosecutor for up to 24 hours, according to the Police Powers Act of 1985, which reduced the period from 48 hours. If the police obtain a court order, however, the period may be extended to 15 days. Detention without charge is 15 days in cases of "offenses committed collectively."

TURKEY

In the 5 provinces under martial law and the 8 under state-of-emergency rule, an individual may be detained without charge for up to 30 days. Martial law authorities do not need warrants to detain suspects. Martial law commanders, subject to prescribed judicial procedures, may impose internal exile for up to 5 years on persons believed to be acting against "general security and public order." No such sentences were imposed in 1986.

Once taken formally into custody to face charges, a detainee appears first before a public prosecutor, who informs him of the suspicions or charges which led to his detention. If the prosecutor decides to pursue the case, the detainee is arraigned before a judge and allowed to retain a lawyer. The judge decides whether to have the accused held in detention or to permit provisional release during the pretrial investigative period.

In all cases the authorities may hold a detainee incommunicado within the prescribed time limits until he is charged or released. According to the Police Powers Act, a detainee's next of kin must be notified "in the shortest time," except in cases where secrecy is deemed necessary, such as when others are believed to be involved in a given crime. A detainee may not have access to a lawyer until he is brought before a judge. Parliament in 1986 defeated a bill requiring that all arrested persons be given immediate access to a lawyer. Similar proposals put forward by the Turkish Bar Association and others are now being considered by the committee reviewing the criminal code.

The system of justice includes a bail system in which the arraigning judge may release the accused on presentation of an appropriate guarantee, or order him held in preventive detention if the court determines that he may flee or destroy evidence. The Constitution includes the right of detainees to request speedy conclusion of arraignment and trial, and release "if the restriction placed upon them is not lawful."

Turkish judicial authorities, under both civil and martial law, have the power to impose sentences of internal exile. Internal exile is provided for in the Execution of Sentences Act of 1986, but the number of convicts, if any, on whom this was actually imposed after sentencing is unknown. An Armenian priest sentenced to internal exile upon his release from prison in May 1986 is still residing in Istanbul, pending a high court decision on his appeal of the sentence.

The Constitution prohibits forced labor, and it does not occur in practice.

e. Denial of Fair Public Trial

In most cases, defendants have the right to an open trial, which may be attended by family members and lawyers. Members of the public and press are also usually free to attend. In some trials, particularly those held in military prisons or on military compounds, members of the public must seek permission to attend. The authorities usually grant such permission. In October the defense in a torture trial succeeded in having the judge changed after an argument arising from his ban on public attendance at the trial.

The Constitution accords a defendant the right to retain the lawyer of his choice. However, in certain trials stemming

from the Kurdish insurgency in the southeast, defendants who cannot speak Turkish reportedly have difficulty in communicating with their lawyers, as they are forbidden from using any language except Turkish with visitors. There are also reports that lawyers in these trials have experienced some harassment.

Although Turkey is predominantly Muslim, its court system and judicial procedures are modeled on the Italian (criminal) and Swiss (civil) law codes. There are no Shari'a (Islamic) or other religious courts.

The Constitution declares that "judges shall be independent in the discharge of their duties" and provides for their secure tenure. It also states that no authority may give orders or recommendations to judges concerning the exercise of judicial power. Public prosecutors are also independent, and, although they may be ordered to begin prosecutions, they decide thereafter whether to pursue them. For example, on September 23, 1986, the prosecutor in former Prime Minister Bulent Ecevit's trial on charges of violating a ban on his political activity requested a verdict of acquittal, which was granted by the judge. The Supreme Council of Judges and Public Prosecutors, appointed by the President and including the Minister of Justice, selects judges and prosecutors for the higher courts and oversees those of the lower courts.

In provinces under martial law, all defendants accused of terrorism or other offenses against the security of the State are tried in military courts. Martial law judges normally have law degrees and observe the same standards as criminal judges. They may not be transferred at the discretion of military commanders. In provinces under a state of emergency, civilian courts try cases.

Civilian and military courts generally conduct trials under the same rules of procedure, based on the Constitution or martial law regulations, respectively. A conviction or acquittal in either system may be appealed to the appropriate civilian or military appeals court. If an appeals court overturns a lower court's guilty verdict, the case is sent back to the lower court for reconsideration. If the lower court insists on its original verdict, the case is returned to the Joint Council of the Appeals Court for a binding verdict. In some cases, particularly capital cases, appeals are automatic to the Supreme Court or to the High Court of Military Appeals. If a death sentence is confirmed by the appeals court, it must be approved by the Council of Ministers, then by Parliament, and finally by the President. By October 1986, nearly 1,000 death sentences were awaiting the Council of Ministers' review, and 105 review by Parliament. Parliament has not approved any death sentences since 1984.

A limited number of special trials, such as the trial of over 1,400 leaders of the Confederation of Revolutionary Trade Unions (DISK) and those in the first Peace Association case, have continued for up to 5 years. In December the court reached a verdict in the DISK trial, which both the defendants and prosecution plan to appeal. The court found 264 defendants guilty and sentenced them from 1 to 10 years in prison. Another 1,169 defendants were found innocent, 29 cases were transferred to other courts, and 15 cases were dropped. The court also ordered DISK and all but two of its affiliated unions closed permanently. The DISK defendants

(except for a few serving sentences as a result of conviction on other charges) and all of the Peace Association defendants remain free on bail. Under the "Execution of Sentences Act" of 1986, which reduces sentences to be served to one-half the imposed time, most or all of these defendants, even if found guilty, will have already served out their sentences.

Estimates of the number of political prisoners held in Turkey's jails vary greatly depending on the source and the source's definition of political prisoner. The Turkish press in 1985, the most recent year for which figures were available, listed about 3,600 persons convicted of crimes against the security of the State, crimes against security forces, or for belonging to armed organizations. Of this number, 1,700 were convicted of crimes of violence. Several thousand other people were incarcerated while under investigation or undergoing trial for similar offenses. An opposition spokesman recently claimed that in Turkey there were 10,000 prisoners convicted of "thought crimes."

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution guarantees the inviolability of a person's domicile and the privacy of correspondence and communication. Entry by government officials into a private residence and interception or monitoring of private correspondence are permitted only upon issuance of a judicial warrant.

In the five provinces still under martial law, the authorities have the legal power "without need of a warrant, application or request...to search residences, or buildings of all societies, associations, political parties, unions, clubs, business locations, or offices belonging to or occupied by juridical as well as private bodies." They may also search, hold, or seize without warrant persons, letters, telegrams, and documents. There is no evidence that this power is widely used or abused.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The end of martial law in November 1985 in Istanbul and Ankara removed a major restraint on freedom of the press, which is now free to publish almost anything. The Criminal Code, however, continues to prohibit the advocacy of class or racial domination (communism) or the establishment of a theocratic state (Islamic fundamentalism) or of a separate state on ethnic lines (Kurdish separatism). Trials of persons expressing such views take place in one of eight state security courts which deal only with such cases.

In addition, in response to the increasing publication of photographs of naked women in the sensationalist popular press, Parliament in March 1986 adopted the "Protection Of Minors From Harmful Publications Act." This act established a board which reviews publications against which a complaint is brought. The board cannot prevent publication but can demand that a publication be sold only in an opaque plastic bag. It can also censor movies and videotapes. This law, however, has been challenged, and the Constitutional Court has agreed to review its constitutionality.

TURKEY

The National Security Council, which ruled until the resumption of civilian rule in 1983, promulgated a law shortly before its dissolution banning all criticism of the decrees, communiques, and actions of that body and its members. The same law also proscribed all statements praising or condemning leaders of banned (pre-1980) political parties. However, all prosecutions under this law have thus far resulted in acquittals. In 1986 Ilhan Selcuk and Okay Gonensin, the editors of the leftist daily Cumhuriyet, were prosecuted and acquitted for criticizing the President and the military intervention of September 1980 in a column. The editors of the English-language Turkish Daily News faced a similar charge and were also acquitted. Social Democratic Populist Party Central Committee member Muzaffar Sarac was acquitted in October 1986 of charges stemming from a speech he gave in Ireland almost a year before. As "banned" political leaders play an increasingly open role in today's politics, the proscription against praising or condemning them has come to be totally ignored.

Writers are still being prosecuted for writing allegedly pro-Communist propaganda or violating secularist principles. Professor Yalcin Kucuk is facing his fourth retrial on charges that his book, "Toward a New Republic," is Communist propaganda, and Ali Riza Demircan was prosecuted for his book "Sexual Life According to Islam;" neither was imprisoned. Trials of several others continue, and new cases are opened regularly.

The newspaper Hurriyet reported that a publisher, Recep Marasli was sentenced to 27 years' imprisonment on charges of separatist and Communist propaganda and belonging to an illegal Kurdish separatist organization. Amnesty International wrote to the Turkish Foreign Minister about this case. The Undersecretary of the Justice Ministry, responding that Amnesty International could not interfere in Turkey's internal affairs, noted a "difference in opinion" in the matter, in which "what we define as a crime in action is interpreted by Amnesty International as a thought crime." Amnesty International has expressed concern about several hundred prisoners whom it termed "prisoners of conscience" convicted of such offenses as "membership in illegal organizations" or "making Communist propaganda."

The press in Turkey is privately owned and reflects a wide range of political views. Turkish Radio and Television (TRT) is a government monopoly. A significant change in its programing came about in 1986. In previous years, TRT devoted the largest portion of its news coverage to the activities of the President, Prime Minister, and other government officials. In 1986 TRT covered the activities of opposition politicians to a significant extent in its news programs and sometimes made them the lead story. Prior to the September 28, 1986, byelections, all 12 political parties received full coverage. Even "banned" political leaders such as former Prime Ministers Suleyman Demirel and Bulent Ecevit were shown on television, though not in political capacities. There are widespread allegations--which TRT's director denied in a press interview--that certain artists and works are banned from radio and television due to either political or cultural considerations.

b. Freedom of Peaceful Assembly and Association

Peaceful assemblies are permitted with prior permission from the authorities. Such requests are generally granted. According to current regulations, marching routes, rally areas, crowd dispersion routes, and poster hanging locations are to be fixed for each city every January.

The Law on Associations, which reflected government concern over the involvement of some associations in the political violence preceding the military intervention of 1980, prohibits associations from having any ties to political parties or engaging in political activity. For example, seven members of the Medical Association who circulated a petition against the death penalty were tried on charges that their petition violated the ban on political activity by associations.

Association activity is closely monitored by the Government. All associations are required to have an annual general meeting, which is attended by officials of the provincial governor's security staff. They must certify that all regulations have been complied with, or the association can be closed. Associations must submit their charters for the approval of government authorities before they are allowed to form. Turkey's Human Rights Association, formed in July, is still awaiting permission to operate as a legal association.

The Constitution and Political Parties Law prohibit students and faculty members from becoming members of political parties or involved in political activities. Thus faculty or student political associations of any type are banned, and political parties are forbidden to form youth branches. Permission of a university's rector is required for any student to join any association.

Some faculty members who were dismissed when martial law was in effect have petitioned for reinstatement. Some of those fired by the Higher Education Council, which controls the universities, won their suits, though none has yet been reinstated. Those fired by martial law authorities are banned from any public sector employment, and many are challenging the constitutionality of Martial Law No. 1402, which gave martial law authorities the power to fire them.

Those unions and confederations set up under the provisions of the 1983 Labor Law have been allowed to organize workplaces freely and to engage in collective bargaining. Although only a small percentage of Turkey's total work force of some 16 million is organized, over 60 percent of industrialized workers are union members covered by collective bargaining agreements. As a result, unions have a significant impact on the economy, especially on its work rules and wage structure. The 1983 Collective Bargaining, Strike, and Lock-out Law strictly regulates the bargaining process and makes strikes outside the collective bargaining process (general strikes, political strikes, and solidarity strikes) illegal. Unions are able to represent their members, engage in collective bargaining, and are responsive to their members' interests.

A recent court decision ordered the permanent closing of DISK (Confederation of Revolutionary Trade Unions), whose activities were suspended under martial law following the 1980 military takeover and whose leaders have been on trial since December 24, 1981. The verdict in the trial is being

appealed. The DISK leaders were charged with "trying to change the form of government" and with "interfering with the work of the Parliament." Some defendants are charged with culpability in acts of violence. All defendants (except two convicted of other crimes) remain free on their own recognizance, but the organization and its funds remain under the control of court-appointed trustees. At least two unions affiliated with Turk-Is have called on the Government to allow DISK unions to resume their activities.

Political activity by trade unions is banned by the Constitution, the Law on Associations, and the Trade Union Law. Thus unions can neither endorse candidates and parties nor make contributions to their campaigns. Trade union activity in defense of workers' social and economic interests, however, is not regarded as political activity. The unions have taken advantage of that distinction to mount strenuous public campaigns against various government policies and to lobby government and opposition parliamentarians in support of labor positions. These campaigns included an effort in January to persuade the Parliament to bring the laws restricting union activity into harmony with the relevant International Labor Organization (ILO) conventions. Byelection activities in September peaked in an election eve press conference in which the Turk-Is President called workers to vote against the governing party. In October he sharply criticized restrictions imposed on the activities of a major opposition party.

Turkish government, union, and employer representatives participate fully in the activities of the ILO. The main confederation, Turk-Is, is an affiliate of the International Confederation of Free Trade Unions (ICFTU), and most Turk-Is member unions are affiliated with their respective international trade secretariats.

Both the ILO and the ICFTU have closely monitored the situation of organized labor in Turkey since the military intervention of September 12, 1980. ILO reports have noted the increased cooperation the organization has received from the Government as well as improvement on outstanding issues. However, the ongoing DISK trial remains a major concern, as do some restrictions on trade unions (for example, on political activities). The ICFTU has followed the DISK trial closely, although DISK is not an ICFTU affiliate, and has urged the Government to amend its labor laws and Constitution along the lines urged by Turkey's largest union confederation, the ICFTU-affiliated Turk-Is.

c. Freedom of Religion

The majority of Turks are Sunni Muslims. There are also an eclectic minority "Alevi" group made up of adherents to different varieties of Shi'ism, various small Christian religious groups, and a small Jewish community.

Turkish governments since the founding of the Republic have regarded the principle of secular government as an essential attribute of a modern, Western-style democratic system, and the Constitution proclaims secularism to be a basic characteristic of the State. Many observers have noted the increased visibility of Islamic religious observance and piety in recent years. But stringent constitutional and legal restrictions hinder the efforts of a small minority of Muslim

fundamentalists who advocate the establishment of a state with a Shari'a legal system.

The Constitution stipulates that "everyone has the right to freedom of conscience, religious belief, and conviction." Constitutional and legal restrictions aimed at protecting the principle of secularism and separation of church and state limit that right significantly. As a result of the Kurdish rebellion of 1925, led by a sheikh of the Nakshibendi mystical sect, all such religious orders were banned. They continue to exist, however, and the press frequently comments on their activities. Numerous Islamic religious teachers connected either openly or by repute with the Nakshibendi order in Istanbul have been prosecuted for advocating a theocratic state. In late 1986, one of them, Adnan Hoca, was under psychiatric observation by court order. He, too, was charged with advocating a theocratic state.

The Political Parties Law prohibits the establishment of any political party advocating theocracy or the foundation of law and government, even partially, on religious principles. However, after the September 1985 acquittal on appeal of several leaders of the former National Salvation Party (NSP), which was considered a "religious" party, the party sued and won, in October 1986, the lifting of the constitutional 10-year ban on its leaders' activities. The successor to the NSP, the Refah (Affluence) Party, is legal and campaigned in the September byelections with the open participation of former NSP leaders but won only 5.5 percent of the vote.

The Criminal Code forbids proselytizing by any person or group. Twenty-three Turkish Jehovah's Witnesses were acquitted on appeal in June 1986. In its decision, the court defended the constitutional right to freedom of religion, stating that "every Turkish citizen has the right to freedom of religion and conscience, and is free to choose his faith and perform its acts of worship."

In December 1985, Istanbul police sequestered Bibles and other publications in Turkish of the Turkish Bible Society. In March 1986, after the personal intervention of the Prime Minister, the Cabinet canceled its restrictions on importing and distributing biblical texts, and circulation of Bibles now proceeds unhindered.

Under the Constitution, "instruction in religious culture and moral education," in accord with a state-prepared curriculum, is compulsory for all students. During the 1985-86 school year, Assyrian Christians in the southeast complained that their children were being forced to attend Islamic instruction. In 1986 Christians in Iskenderun made the same complaint, and in October the Education Ministry issued a statement confirming that non-Muslims would have to attend religious instruction classes but would be excused from the "practical" sections, which include memorization of Koranic verses and instructions in prayer. The courses--about 2 hours per week--are taught by lay teachers. Extracurricular Koran courses using government-approved texts are permitted. The Government has closed Koran courses run by fundamentalist sects teaching a more radical brand of Islam.

Among other religious groups, small numbers of Armenian Orthodox and Armenian Catholic, Greek Orthodox and Greek Catholic, Bulgarian Orthodox, Roman Catholic, Syrian and Assyrian Christian, Protestants, and Jewish believers are

found in Turkey, primarily in Istanbul. These groups operate churches, monasteries, synagogues, schools, and charitable religious foundations such as hospitals and orphanages. Guarantees of minority rights, beyond those enshrined in the Constitution, are included in the Treaty of Lausanne, which provides that non-Muslim minority communities may have their children taught in their own language.

In 1986 the Government took significant steps to resolve several issues of major concern to non-Muslim groups. There are many reports that the Greek Orthodox Patriarchate will soon obtain permission to rebuild its administration building, destroyed by fire in 1941; the Patriarchate has been seeking permission to rebuild for over 40 years. The resolution of the Bible Society case and the release in 1986 of an Armenian priest convicted of sedition in 1983 were other positive steps in government relations with non-Muslim minorities.

Liturgical use by non-Muslims of languages other than Turkish, such as Greek, Armenian, Hebrew, and Arabic is allowed but continues to decline.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is general freedom of movement within Turkey, except in the five provinces under martial law where authorities have the seldom-used power to restrict movement. Martial law authorities may expel "persons whose presence in the martial law area is determined to be prejudicial," or restrict and prohibit their residence in, or entry into, certain areas under martial law. Some border areas are off-limits to foreigners without specific permission to visit them.

Turks generally are free to travel abroad, and increasing numbers have done so since the relaxation of currency controls. According to the Constitution, however, a citizen's freedom to leave may be restricted on account of the national economic situation, civic obligations (generally military service), or criminal investigation or prosecution. Many Turks currently involved in mass trials are denied passports, and there is evidence that other citizens not under indictment are denied passports for political reasons. Turkish law provides that those denied passports while under indictment may receive passports if the Justice Ministry and Prime Ministry approve their petitions citing emergency reasons for foreign travel. Recently, Turkey's leading humorist, Aziz Nesin, who is a defendant in the Peace Association Case, was granted a limited-use passport to travel to the United Kingdom to participate in a conference.

Turkish law guarantees citizens protection against deportation, extradition, or denial of reentry. The Constitution guarantees the rights of Turks and their families living abroad to return home. Under provisions of the Turkish citizenship law, however, the Government may deprive of citizenship those Turks who have refused to return to Turkey to face criminal charges or who it determines have expatriated themselves.

Turkey has permanently resettled about 4,500 Afghan refugees of Turkic ethnicity in recent years, and provides a temporary haven for East European refugees in two temporary settlement facilities. While the Government does not grant refugee status to Iranians, it asserts that it does not deport to Iran those who have entered Turkey illegally or have overstayed

their permitted time. In consequence, large numbers of Iranians are now living in Turkey, many of them in Istanbul and other large cities.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Turkey has a multiparty, presidential parliamentary system. The president is elected by Parliament for a single 7-year term. The current President, whose election was automatic with the approval of Turkey's new Constitution in the 1982 referendum, is retired General Kenan Evren, former Chief of the Turkish General Staff and head of the National Security Council which governed Turkey during the period of military rule (1980-83).

The unicameral Parliament has 400 seats elected on a proportional basis. The Election Law requires that a party win at least 10 percent of the total national vote in order to obtain seats in Parliament. The 10 percent threshold is intended to prevent political fragmentation and the recurrence of the parliamentary paralysis of the late 1970's.

Parties advocating certain beliefs are restricted from operating in the political arena. These include parties advocating a theocratic state, the superiority or dictatorship of a particular social class or group, or "exclusive" or "elitist" political philosophies. No party may be formed around a particular ethnic or cultural group. Among the prohibited political groupings are Communist or other Marxist parties, which are based on class, and Fascist "elitist" parties. All of these are regarded as inimical to a Western-style democratic society and threatening to Turkey's fundamental integrity. People considered Fascists or Communists by the authorities are banned from membership in any party. Other groups permanently banned from joining or actively participating in political parties include active members of the armed forces and certain categories of civil servants--a prohibition based on the pre-1980 politicization of government and security structures.

The Constitution guarantees equal political rights for men and women. Turkey was one of the first countries to grant women full and equal political rights. There are 12 women members of Parliament, and several women hold important positions in the party hierarchies, although the 23-member cabinet has no women members at present.

Members of minorities, Muslim and non-Muslim, face no legal limitations on political participation as long as they accept a Turkish national identity. Kurds who accept such an identity play a sizable role in Turkish political life, and some of them are members of the Turkish Parliament.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights

The Government permitted visits by foreigners to discuss human rights in Turkey during 1986, and, in most cases, facilitated contacts with both official and nonofficial visitors. Visitors in 1986 included a delegation from the European Helsinki Watch Commission, the German Social Democratic Party, a British-led Quaker group, and the U.S. Assistant Secretary of State for Human Rights and Humanitarian Affairs. Amnesty

TURKEY

International sent no official request for a visit to Turkey in 1986.

The ILO did not place the situation in Turkey on its agenda in 1986, given Turkish government commitments to expand labor rights. The Council of Europe removed Turkey from its human rights agenda after a friendly settlement in December 1985 of the five-nation complaint against Turkey in the European Human Rights Commission. As part of that settlement, Turkey undertook to provide regular confidential reports and permit site visits, which it has done.

In July 1986, a nongovernmental Human Rights Association was provisionally formed. In accordance with the Law on Associations, it submitted its charter to the Government for approval. The Government did not approve it on the grounds that the areas of the Association's interest were more properly the concern of the Government. Nevertheless, the group operates legally pending resubmission of its charter and has held public meetings where human rights were discussed. The Social Democratic Populist Party also has a human rights committee, which is currently preparing a report on the rights situation in Turkey.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution regards all Turkish citizens as Turks and prohibits any discrimination on ethnic grounds. In the Lausanne Treaty, the Turkish Government undertook "to assure full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race, or religion." At the same time, it has been the policy of Turkish governments for many years to seek assimilation of individuals of non-Turkish ethnic backgrounds into the mainstream of Turkish society and culture, often to the point of forcefully discouraging manifestations of ethnic difference. The size of these communities has declined steadily over the years.

Non-Muslim minority groups continue to complain about government policies and procedures regulating the operation of community schools, the purchase and sale of community real estate, the administration of church properties, and the activities of parish councils. Government claims on property endowed to charitable religious organizations also continue to be a major concern.

The position of the members of the small Assyrian Christian community, centered on the southeastern city of Mardin, has become rather isolated, and many have chosen to move to Istanbul or abroad.

Turkey's Kurds are concentrated in the economically disadvantaged southeast. There are also significant concentrations of Kurds elsewhere, the result of Ottoman settlement policy and more recent migration to metropolitan centers.

The Government is trying to quell an armed Kurdish insurgency of guerrillas based in the southeast and in neighboring countries. The five provinces remaining under martial law are inhabited primarily by Kurds and are also the center of the insurgency. Most government officials and many opposition figures blame the Kurdish insurgency on outside influences and

the depressed economic conditions of southeast Anatolia which the Government is seeking to remedy through large-scale economic development programs.

Kurds may be found in every area of Turkish life and at all levels of society. But the Government remains adamantly opposed to any assertion of a Kurdish ethnic identity and has taken a number of steps to suppress it. Publication of books, newspapers, and any other materials in Kurdish is forbidden, as are books or any other materials in Turkish dealing with Kurdish history, culture, or ethnic identity. Use of the Kurdish language is not permitted for any official purposes, e.g., in the courts, nor is it allowed in certain private situations such as receiving visitors in prison.

Turkey has long been in the forefront of nations in the promotion and protection of women's rights. Women have full suffrage and educational rights, have attained high office, and are represented, though not always in significant numbers, in all professions and institutions. Women have served or are currently employed at the rank of university rector and dean, ambassador, political party vice president, and army colonel. Turkish businesswomen play significant roles in many industries, and a few sit on the boards of some of Turkey's largest private firms. Female lawyers and judges are no rarity, and female doctors are dominant in some specialties.

Nonetheless, the role of women in smaller communities and rural areas, especially in the east--and increasingly in the urban communities inhabited by migrants from the villages--is still defined by centuries of traditional practice which is patriarchal and dictates the subordination of females to males within the family unit. Many women and girls in the east are partially or fully veiled, and certain religious sects, now common in cities, also practice the veiling of women. Prevailing social or cultural values make it difficult for some women to receive primary or secondary education or to pursue careers outside the home.

The right of indigenous minority groups to use their own languages is limited. Although the Lausanne Treaty states that "no restrictions shall be imposed on the free use by any Turkish national of any language in private intercourse, in commerce, religion, in the press, or in publications of any kind or at public meetings," the Constitution states that the official language of the country is Turkish. One article of the Constitution bans discrimination on the basis of language, while others prohibit the public use of "languages prohibited by law." Legislation prohibiting specific languages has never been adopted, but Turkish citizens have been tried on a variety of charges relating to the use of Kurdish. In 1986 provincial officials of the main opposition party were tried on charges that their use of Kurdish at party headquarters constituted "propaganda denigrating national sentiment." They were acquitted. Also acquitted were officials of the State Statistical Institute, who prepared a handbook for census officials, directing them to ask what languages aside from Turkish the interviewees spoke. The charges stated that by listing Kurdish alongside such "international" languages as English, French, and Arabic, the handbook constituted propaganda denigrating nationalist sentiment.

The Government has stated that the intent of its bans on publishing in Kurdish (and its discouragement of languages such as Georgian and Laz) is to foster Turkish as the language

of all citizens for all uses. This is part of an effort to inculcate in all Turkish citizens a sense of identity with the Turkish State and nation as opposed to identification with any particular groups within the nation. In practice, the severity of restrictions on the use of a minority language appears to depend on the perceived threat the group in question presents to the integrity of the State. For example, while the Government faces an armed Kurdish insurgency and therefore believes the use of Kurdish fosters separatist tendencies, the use of Arabic, about which there are no such concerns, is not similarly restricted.

CONDITIONS OF LABOR

The Constitution guarantees the right to reasonable conditions of labor suited to the worker's age, sex, and capacity, and grants the right to rest and leisure and a fair wage. The Labor Law forbids the employment of children under 13 years of age and restricts children under 15 to "light work which will not harm their health and physical development, prevent their attendance at occupational training and orientation programs, or their ability to benefit from education." Children between 15 and 18 years of age may not be employed in underground or underwater work, nor may they be employed at night. Girls and women may not be employed in underground or underwater work, but, if over the age of 18, may work night shifts under conditions specified jointly by the Ministry of Health and Social Welfare and the Ministry of Industry and Commerce. A board composed of Government, private sector, and labor representatives establishes national minimum wages for the agricultural and nonagricultural sectors. The Labor Law provides for a 7 1/2-hour day and a 45-hour workweek.

In spite of constitutional guarantees, specific legal requirements, and labor union efforts, a considerable gap remains between social goals and the reality of occupational health and safety levels. Trade unions have repeatedly complained that existing regulations governing health, safety, and working conditions are not adequately enforced. Outside the industrialized sector, where unions exercise considerable influence, legal restrictions are generally ignored, both on occupational health and safety and on child and female employment.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: TURKEY

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	139.5	175.9	119.6
LOANS.....	63.5	85.0	0.0
GRANTS.....	76.0	90.9	119.6
A.AID	138.5	175.0	119.6
LOANS.....	63.5	85.0	0.0
GRANTS.....	75.0	90.0	119.6
(SEC.SUPP.ASSIST.)...	138.5	175.0	119.6
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & MFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	1.0	0.9	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.0	0.9	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	1.0	0.9	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	718.3	703.6	618.5
LOANS.....	585.0	485.0	409.5
GRANTS.....	133.3	218.6	209.0
A.MAP GRANTS.....	130.0	215.0	205.8
B.CREDIT FINANCING....	585.0	485.0	409.5
C.INTL MIL.ED.TRNG....	3.3	3.6	3.2
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	857.8	879.5	738.1
LOANS.....	648.5	570.0	409.5
GRANTS.....	209.3	309.5	328.6
OTHER US LOANS.....	70.5	15.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	70.5	15.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	945.2	706.9	1088.6	8303.9
IBRD	794.3	698.5	1057.0	6985.6
IFC	150.0	7.1	31.6	434.5
IDA	0.0	0.0	0.0	178.1
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.9	1.3	0.0	69.0
OTHER-UN	0.0	0.0	0.0	11.7
EEC	0.0	0.0	0.0	625.0

UNION OF SOVIET SOCIALIST REPUBLICS

According to the Soviet Constitution, the Soviet Union (U.S.S.R.) is "a Socialist state of the whole people, expressing the will and interests of the workers, peasants, and intelligentsia, and the working people of all nations and nationalities of the country." In fact, the U.S.S.R. is a one-party dictatorship, dominated by the leadership of the Communist Party. That leadership is a self-perpetuating elite which, with the assistance of a powerful secret police apparatus, attempts to direct all aspects of public life and to prohibit the development of independent centers of political or ideological influence.

The Committee for State Security (KGB), police authorities, and prosecutors' offices are charged by the party leadership with enforcing the population's compliance with policy decisions, directives, and legislation. They do so by seeking to intimidate dissenters and potential dissenters and, when necessary, by meting out punishment, including long-term imprisonment or exile.

The Constitution limits the exercise of basic civil and political rights to activities which "strengthen and develop the Socialist system" as defined by the party. These limitations are reflected in legislation circumscribing freedom of speech, assembly, association, and religion, and providing criminal penalties for "anti-Soviet" behavior.

Those who attempt to exercise their rights face arrest, trial, and imprisonment, or internment in a psychiatric hospital. Human rights monitors, religious believers, peace activists, and proponents of greater cultural and political rights for ethnic minorities were all subjected to arrest and imprisonment in 1986.

The December release of Andrey Sakharov and Yelena Bonner from internal exile and the early releases from labor camp of several other prominent dissidents were positive developments. But the deaths of human rights advocates Anatoliy Marchenko and Mark Morozov in Chistopol' prison underscored the continuing perilous position of thousands of Soviet prisoners of conscience.

Jewish, ethnic German, and Armenian emigration remained at severely restricted levels, despite the desire of many thousands to emigrate. Jewish emigration was the second lowest in 20 years. Those few who were allowed to emigrate during 1986 included a number of prominent "refuseniks" whose applications had been pending for more than 10 years.

In early November, the Soviet authorities made public regulations controlling the granting of exit permission to Soviet citizens. In singling out family reunification as the only legitimate ground for emigration, the regulations violated the Soviet commitment to the Universal Declaration of Human Rights, which was incorporated into the Helsinki Final Act.

Soviet performance in resolving longstanding family reunification cases was significantly better than in previous years. Over 100 such cases, affecting the United States, Canada, France, and Australia, were resolved in 1986 or were in the process of being resolved.

UNION OF SOVIET SOCIALIST REPUBLICS

Abroad, the Soviet Union continues its occupation of Afghanistan and its support of the Vietnamese occupation of Cambodia which have resulted in widespread and egregious human rights violations. There has been evidence in previous years that the Soviet Union has been responsible for the use of chemical warfare in Afghanistan, Laos, and Cambodia.

RESPECT FOR HUMAN RIGHTS.

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were occasional reports of the death under unusual circumstances of people engaged in religious or political dissent or members of their families. The possibility of official involvement in such deaths, however, can neither be substantiated nor investigated. Also, a number of political prisoners and common criminals perish each year in prison and forced labor camps because of the severe conditions: beatings, strenuous physical labor, poor diet, extreme cold, and lack of adequate medical care. It is impossible to estimate the number of such deaths.

Mark Morozov, samizdat publisher and member of the unofficial Free Inter-Professional Trade Union, reportedly died in Chistopol' Prison in August. He had suffered from heart disease and rheumatoid arthritis. One of the pioneers of the human rights movement, Anatoly Marchenko, died on an undisclosed date in the same prison apparently following a 4-month hunger strike. Press reports stressed that his health had already been ruined by long years of hard labor and beatings in prison. His body was not released to his family.

Soviet law provides for the imposition of capital punishment for a variety of offenses, including treason, but also for some economic crimes (e.g., fraud, corruption) which are not generally considered capital offenses outside the U.S.S.R. There are no official statistics available regarding its imposition, but official confirmations sometimes appear. In August, for example, a former Uzbek Minister of the Cotton-Ginning Industry, Vakhobzhan Usmanov, was sentenced to death for corruption and fraud.

b. Disappearance

There have been no known instances of prolonged or permanent disappearance in recent years. However, it is not unusual for people to be arrested or confined in psychiatric facilities without next of kin being notified. Concerned relatives are expected to initiate an inquiry with the authorities to find out if and when their family member was arrested, and where he or she is being held.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

So many Soviet political prisoners suffer both mental and physical abuse and mistreatment during interrogation, trial, and confinement, according to a wide variety of sources, that such treatment must be regarded as a systematic policy and practice. Sources indicate that before trial, some defendants have been threatened, humiliated, and beaten to force confessions. Once convicted, prisoners find that the limited

rights guaranteed them by prison or camp regulations --the ability to receive packages, send letters, and see family--are frequently and arbitrarily withdrawn. Life in prison is marked by isolation, poor diet and malnutrition, compulsory hard labor, beatings, frequent illness, and inadequate medical care. Small infractions of camp rules can lead to weeks or months in isolation cells or to extensions of the original sentence. Camp authorities reportedly have occasionally incited other inmates to beat a political prisoner, and then charged and punished the victim for having caused the disturbance. Attempts by prisoners to practice their religion or to protest their treatment with hunger strikes also have met with punishment.

In 1986 human rights activist Naum Yefremov was beaten systematically by other prisoners in a labor camp near the Tyumen region, according to reliable sources. In late 1985, the psychiatrist and Helsinki psychiatric abuse monitor Dr. Anatoliy Koryagin, now serving a 12-year sentence in Chistopol' Prison for "anti-Soviet agitation and propaganda," was placed in self-tightening handcuffs. He subsequently spent large portions of December, January, February, and April in a punishment cell for refusing to acknowledge his "guilt." Prison authorities cancelled a scheduled January family visit and denied his requests for medical treatment. In the Siberian labor camp of Vidriro, medical treatment was withheld for several weeks from Hebrew teacher Yuliy Edelshteyn after he suffered a torn urethra and broken leg in a January 1986 fall. When he was finally taken to the hospital, doctors said that the delay in treatment would probably result in a permanent disability. Two ethnic Germans from Dushanbe reportedly were severely beaten by Moscow police after demonstrating in favor of their right to emigrate to the Federal Republic of Germany. Both were then sentenced to 10 days of administrative detention.

Provisions in Soviet law for early release from prison for the very ill are seldom used. At the time of release, many prisoners have tuberculosis, heart disease, ulcers, arthritis, pneumonia, meningitis, and vision and hearing problems. The 32-year old poetess Irina Ratushinskaya emerged from prison in October weak from several hunger strikes and a beating.

The Government continues to place selected political and religious activists in psychiatric hospitals where they are often subjected to the painful, forced administration of sedatives, antipsychotics, and other drugs. At the seventh All-Union Congress of Neuropathologists and Psychiatrists in 1981, the Soviet Ministry of Health's chief neuropsychiatrist stated that 1.2 percent of the patients in Moscow psychiatric hospitals were there "in connection with visits to state agencies to present groundless complaints and slanderous statements." The Soviet Union withdrew from the World Psychiatric Association in February 1983 rather than face censure for Soviet psychiatric abuses.

Several demonstrators suffered psychiatric confinements in 1986. Russian "refusenik" Serafim Yevsyukov was detained in July and placed in a psychiatric hospital for protesting the second jailing of his son on the charge of draft evasion. Nina Kovalenko, member of the unofficial "Group to Establish Trust between the U.S.S.R. and U.S.A.," was arrested and committed to Kashchenko psychiatric hospital twice in 1986, both times after participating in the group's demonstrations.

Her treatment consisted of the forced administration of several antipsychotic drugs and sedatives, as well as interrogations about her activities. In June two group members from Gor'kiy were arrested and placed in a psychiatric hospital for demonstrating in Red Square in support of their right to emigrate. Moscow dissident artist Aleksandr Kalugin spent 1 month in a psychiatric hospital in 1986 after being stopped on the street during the "Good Will" games; drugs also were forcibly administered to him. Other political victims of psychiatric abuse remained in such facilities in 1986, many of them in special psychiatric hospitals operated by the Ministry of the Interior.

d. Arbitrary Arrest, Detention, or Exile

Government spokesmen insist that prosecution occurs only in cases in which persons commit acts prohibited by law. But the provisions of laws under which prosecutions have occurred themselves violate internationally recognized human rights, including freedom of expression and freedom of association: Among these provisions are:

--Article 70, "Anti-Soviet agitation and propaganda," which carries a maximum penalty of 7 years' imprisonment and up to an additional 5 years in internal exile.

--Article 190-1, "The dissemination of deliberately hostile fabrications defaming the Soviet State and social system." This article, introduced in 1965, carries a maximum penalty of 3 years' imprisonment;

--Article 190-3, "The organization of, or active participation in, a group actively violating public order," which carries a maximum penalty of 3 years' imprisonment.

--Article 227, "The infringement of the person and the rights of citizens under the appearance of performing religious ceremonies," which carries a maximum penalty of 5 years' imprisonment.

In addition to these provisions, the authorities continue to use criminal code provisions against "parasitism," "hooliganism," and "illegal commerce" or "speculation" to harass persons for political activity. Dissidents are sometimes fired from their jobs, then threatened with arrest or even in some cases arrested for "parasitism" because they have no jobs. The authorities also reportedly fabricate charges for common crimes, such as the possession of drugs or weapons. In one case, Moscow "refusenik" and Hebrew teacher Aleksey Magarik was sentenced in June to 3 years in a labor camp on charges of possession and transport of narcotics; such charges have been frequently used against dissidents in the past under circumstances suggesting that the narcotics were planted on the victims by the authorities.

Soviet criminal codes also permit administrative jailing for periods of up to 15 days. In practice, such incarcerations are often used to punish demonstrators and political and religious activists under the guise of "hooliganism" or "disturbing the peace." The criminal codes also provide Soviet authorities power to detain citizens for 3 to 4 hours for questioning; after this period, detainees must either be charged or released. There were several reports in 1986 of groups or individuals who held unofficial demonstrations in support of various causes; most were either detained for a few

hours or given 15-day jail sentences. However, a few managed to carry out public protests without being detained; in some cases, this may have been due to the presence of foreigners, particularly the broadcast media. In other cases, however, the authorities responded more sharply, subjecting protestors to beatings or confinement to psychiatric institutions. Arbitrary detention and house arrest continued to be used by the authorities to prevent citizens with dissenting views from meeting with foreigners or other dissidents.

According to the code of criminal procedure, pretrial detention can last as long as 9 months, and prisoners are not entitled to consult with a lawyer until shortly before trial. Prolonged detention thus functions as a form of preventive detention.

Most political prisoners, as well as most ordinary criminals, are confined to camps where they are forced to labor, often under harsh and degrading conditions, on Soviet developmental projects and to assist in the production of large amounts of primary and manufactured goods.

Soviet psychiatric institutions are also used to detain and confine dissidents arbitrarily. A Soviet Ministry of Health directive, issued in August 1971, authorizes the psychiatric confinement of individuals who pose a "social danger", without providing an identifiable list of suspect symptoms. In effect, individuals can be confined, with the assistance of the police, without their consent or that of their families. Often dissidents are arrested and, after interrogation, taken to psychiatric hospitals without an examination. The length of the detention can vary greatly, and doctors often refuse to give a diagnosis or set a release date. Patients committed under criminal confinement procedures may lose the right to be informed about the charges brought against them and the right to mount their own defense.

In September 1983, the authorities approved a new addition to the Russian Soviet Federated Socialist Republic Criminal Code dealing with "malicious disobedience to the administration of corrective labor institutions." Under this provision, prisoners who disobey camp authorities or who have spent time in solitary confinement during the course of the previous year may be sentenced to an additional 3 years. In 1986 at least five political prisoners had their sentences extended at trials held in the prisons themselves on the basis of evidence given by the authorities, and several others were threatened with prosecution.

The authorities have continued the practice of exiling political dissenters which dates back to Tsarist times. Exile often follows prison and, in practice, means confinement in a remote village where climatic conditions are often severe, fresh food is relatively scarce, and isolation is an additional burden. These conditions are mitigated only by the privilege of receiving food parcels from family members, moving about within a limited area, finding work (usually menial), and arranging one's own (often primitive) accommodations. The families of exiles are usually permitted to live with them, although it may take several months to receive the required permits.

Persons released from exile often are not allowed to return to their former places of residence. Some are forced to live in other areas of the country, in reality ensuring continued

separation from their homes. Others, having nowhere to go, return to their old homes without residence permits, where they risk arrest for violating residence laws. In August 1985, the Council of Ministers reportedly issued Decree No. 736, as yet unpublished, which severely limits the right of former prisoners to visit Moscow or its suburbs until the record of the conviction is officially removed.

The authorities also occasionally exile persons abroad or permit their "voluntary" departure. In 1986 the Soviets released six well-known political prisoners, including two Helsinki Monitor Group founders. Anatoliy Shcharanskiy, along with three other prisoners held by the East, was released in Berlin in February in exchange for five prisoners held by the West. In October, Yuriy Orlov left the Soviet Union with his wife, Irina, at the time of the release and return to the U.S.S.R. of accused Soviet spy Gennadiy Zakharov. Two other imprisoned Soviet dissidents, Vladimir Brodskiy and Alexandr Shatravka, members of the "Group to Establish Trust between the U.S.S.R. and the U.S.A.," were also released from prison ahead of schedule and allowed to leave the country. In October the dissident poetess Irina Ratushinskaya was released from prison and in December allowed to emigrate to Great Britain. In late December, at the end of a 3-year sentence, Crimean Tatar leader Mustafa Dzhimilyev was suddenly released shortly after being sentenced to an additional 3 years in a labor camp. "Group to Establish Trust" member Ludmilla Chukayeva, meanwhile, was also released in late December, after serving 6 months of a 2-year sentence. Finally, in December Andrey Sakharov and Yelena Bonner were released from their long and isolated internal exile in the closed city of Gor'kiy. According to Sakharov, General Secretary Gorbachev telephoned him on December 16 to inform him that he and Bonner were being permitted to return to Moscow.

Despite these actions, the Government continues to resist international pressure on behalf of other widely respected prisoners of conscience, such as Anatoliy Koryagin and Iosif Begun, and to imprison or confine to internal exile more than 35 former Helsinki monitors.

e. Denial of Fair Public Trial

Communist Party control of society extends to the legal and judicial system and is exercised in political cases to negate constitutional guarantees of the objectivity and independence of the judicial process. Soviet authorities generally ensure that political trials are closed to the public by requiring admission passes, packing the courtroom, and harassing or detaining observers outside. The location and date of a trial are often announced on short notice and may be changed with little warning. Western journalists and diplomats are regularly denied access to political trials as well as permission to visit cities outside Moscow where trials are taking place.

Defense attorneys, like judges, are subject to political pressures and constraints applied by the security forces and the party. According to official statistics, about 60 percent of attorneys are party members. Moreover, attorneys must have special clearance to act as defendant's counsel in a political case. Attorneys who overstep their assigned role of providing a perfunctory defense risk losing their clearance and even destroying their careers. Even the most honest and vigorous defense is of limited utility since results indicate that the

outcome of political trials is determined beforehand by the authorities. Appeals, although permitted, are usually a formality. For example, in one case this year, the order transferring a prisoner from jail to a labor camp was signed 1 month before his appeal was heard.

Since data on political prisoners is regarded as a state secret, estimates about the number vary considerably, reaching many thousands. The most authoritative listing of known political prisoners, compiled by Soviet emigre and former prisoner of conscience Kronid Lubarsky, contains nearly 900 names. Although prominent political and religious figures are segregated and kept in special labor camps, many lesser known activists are tried on nonpolitical criminal charges (e.g. speculation, parasitism, hooliganism, resisting arrest) and are treated as ordinary criminals.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Government interference in personal life is pervasive. The authorities regard it as a citizen's duty to inform on the unorthodox attitudes of family members, friends, and neighbors. The electronic monitoring of the residences and telephones of certain Soviet citizens and foreigners is done routinely, despite constitutional guarantees of the inviolability of citizens' homes. In theory no one may enter a home against the will of the resident "without legal grounds." In practice this provision has little restraining effect on investigative agencies, and well-documented cases of forced entry and illegal searches continued in 1986. Through the control of mail and telephone circuits, the authorities selectively restrict contact between citizens and foreigners, often intercepting mail or cutting off telephone conversations.

Contacts with foreigners have been further discouraged with the issuance of a decree in 1984 which mandates fines for Soviet citizens who provide foreigners with "accommodation or transportation or have rendered them other services in violation of established rules." Soviets who have invited foreigners home have sometimes been subjected to extended interrogations. Foreigners are also sometimes questioned, harassed, threatened, and occasionally expelled after visiting Soviet citizens.

Foreigners who decide to marry Soviet citizens are sometimes prevented from returning to the Soviet Union for the required registration of the intention to marry or the marriage itself. In one case in 1986, a U.S. citizen was not allowed to return to the Soviet Union to marry his pregnant fiancee; the baby eventually was born out of wedlock.

The Government continues to jam U.S. and some other Western radio broadcasts in Russian and other Soviet languages, an action clearly inconsistent with the provisions of the Helsinki Final Act. Broadcasts in English and other Western European languages generally are not jammed.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for most internationally accepted political liberties but requires that their exercise be in accordance with the "interests of the people and the

strengthening and development of the Socialist system." In practice, the Government does not tolerate dissident behavior and has not hesitated to imprison persons for exercising freedom of expression.

All information media are controlled by the party and the Government, which own or operate almost all of them. Publications, films, and radio and television scripts are subject to censorship by the Main Administration for Safeguarding State Secrets in the Media. Soviet journalists are subject to the discipline of the Communist Party and subordinated to the directives of their editorial superiors, themselves trusted members of the party. As such, they are not journalists in the Western sense but rather spokesmen for official government policies.

Openly dissident views on important questions of policy do not appear in the media. As part of the Soviet leadership's campaign of spotlighting problems, the media in 1986 published stinging criticism of corruption within the party and the Government and reported on the abuse of party privileges and on widespread mismanagement. Within narrow limits, discussion of policy choices and of critical domestic political, economic, and social issues has continued. But once a decision is taken, dissenting views are seldom heard. Debate within the leadership is occasionally reflected in published texts where sophisticated polemics and criticism, expressed in veiled language, allow experienced readers to identify policy trends and controversial issues. Such policy debate may not call into question the existing political and social system.

Authors, publishers, and distributors of literary, religious, and political samizdat (self-published) materials have been subject to a wide range of harassment, including loss of employment, warnings from the KGB, apartment searches, and, ultimately, arrest and conviction or incarceration in mental hospitals. For example, six Baptist underground publishers in Moldavia were sentenced in May to up to 2 years in labor camp for their printing activities.

The Government continues severely to circumscribe the work of foreign journalists and the circulation of non-Communist foreign newspapers, which are rarely available to average Soviet citizens. Overt censorship of wire and satellite transmissions of news stories out of the country is rare, but the authorities regularly harass selected foreign journalists, especially those who maintain close contacts with dissidents and "refuseniks." The arrest of U.S. correspondent Nicholas Daniloff on charges of espionage underscores the vulnerable position of foreign correspondents in the U.S.S.R.

All universities and research institutes are operated by the State or party; teaching and research must conform to official requirements. In areas such as foreign policy and contemporary Soviet history, these requirements narrowly circumscribe the content of research and teaching to the virtual exclusion of independent investigation. Academic freedom, as it is known in the West, does not exist. All books in the Soviet Union are published by the State or party and are subject to prepublication censorship. Somewhat greater freedom of expression is allowed in fiction and scholarship not involving politically sensitive subjects. However, the Government's range of political sensitivities is broad, and censorship standards are often applied in an arbitrary and capricious manner.

UNION OF SOVIET SOCIALIST REPUBLICS

During 1986 censorship standards were relaxed somewhat, and the realm of the permissible in the field of culture was expanded under the new policy of "glasnost," variously translated as "publicity" or "openness." A number of previously banned books and plays were published, and more far-reaching, though still limited, criticism of Soviet institutions was permitted. In addition, the Soviet news media was allowed to publish information on internal events, such as disasters and riots, which was previously forbidden. Despite this relaxation, the "glasnost" policy was carefully controlled and stage-managed from above. And portrayals of the negative aspects of Soviet life tended to serve the leadership's interests by discrediting its adversaries within the Soviet official establishment.

b. Freedom of Peaceful Assembly and Association

The Constitution grants citizens the right to associate in public organizations "in accordance with the aim of building communism." In practice, public associations are organized by the authorities or are subject to their strict control, and the Government suppresses attempts to function independently of its supervision. As a result of a campaign during the last few years, most independent human rights or peace groups have been broken up and have ceased functioning. Those eliminated include the Helsinki Watch groups, which attempted to monitor the Government's implementation of the Helsinki Final Act, and the Psychiatric Watch Group, which monitored Soviet abuses in psychiatry. Most of the members of these groups remain imprisoned or in exile. Georgian human rights activists Tenghiz Gudava and Emanuel Tvaladze, who attempted in 1985 to revive the Georgian branch of the Helsinki Watch Group, were tried, convicted, and sentenced in June 1986 to terms of 5 and 7 years in a labor camp respectively, followed by 3 years in internal exile. Gudava's brother Eduard was sentenced to 4 years in a labor camp in January on charges of malicious hooliganism.

Those unofficial groups and associations which have not been completely suppressed function under severe pressure and harassment from the authorities. For example, the "Group to Establish Trust between the U.S.S.R. and the U.S.A." was a major target of the authorities in 1986 as members were arrested, detained, beaten, confined to psychiatric institutions, or exiled abroad. The group's attempts to hold seminars have been blocked by arrests, both before and during the meetings. Group members Yuriy Medvedkov, Nikolai Khramov, and Aleksandr Zaytsev, among others, each spent at least 15 days in detention in 1986 on charges of petty hooliganism for their parts in street protests. In an evident effort to remove the group's leadership, leader Vladimir Brodskiy was released in September from prison 2 years early and allowed to emigrate with his family. Yuriy and Ol'ga Medvedkov, active members of the group, also received exit permission and emigrated in September. Nina Kovalenko, who was twice confined to psychiatric hospitals in 1986, was released in December and permitted to emigrate.

Persons who staged their own protests were also subject to repression by the authorities. Yuriy Chekanovskiy, who along with another "refusenik" held a brief demonstration in June in Moscow's Gogol Square insisting on the right to go to Israel, was arrested and sentenced to 10 days for disturbing the peace and impeding traffic.

UNION OF SOVIET SOCIALIST REPUBLICS

Trade unions are strictly subordinated to the Communist Party and act as agents of the Government in implementing economic policy and ensuring labor discipline. The unions do not act as collective bargaining agents. The International Labor Organization's Committee of Experts has noted that the Soviet Union has contravened the Convention on Freedom of Association and Protection of the Right to Organize by imposing a constitutional link between the Communist Party and trade unions, which restricted the right of the unions to organize their own activities and formulate their own programs. The right to strike is not recognized, and strikes are rare. Some strikes are known to have been ruthlessly put down by the security forces. At the same time, local authorities often make concessions when confronted with a spontaneous strike over a local, limited grievance. Strikes which reportedly occurred in 1986 in the Ukraine and Belorussia to protest increases in the price of meat reportedly ended peacefully, with the authorities making concessions on the strikers' demands.

There were no reports of independent labor activity in the U.S.S.R. during 1986.

c. Freedom of Religion

The Constitution guarantees the "right to profess or not to profess any religion and to conduct religious worship or atheistic propaganda." The right to conduct religious worship and the right to make atheistic propaganda are not equivalent, however, since the former right does not include the right to conduct "religious propaganda," i.e., to engage in public defense of religious values or to rebut official attacks on religion. Moreover, extensive legislation and administrative regulations on "religious cults" place additional restrictions on the freedom of religion.

Registration with the Soviet Council on Religious Affairs is required for religious groups of 20 adults or more. The State is able to limit the number of congregations since the authorities reserve the right to grant or withhold registration. Their refusal to grant registration has been used to deny legal status to an entire religious denomination, for example, to the Ukrainian Catholic (Uniate) Church since 1946. Once registered, religious congregations must accept strict regulations which prohibit proselytizing, religious discussion and Bible study groups, charitable activity, and formal religious training for children. In some instances, the authorities reportedly have removed children from families permitting or conducting such instruction in place of Soviet schooling. Participation in religious ceremonies is cause for exclusion from the Communist Party. Existing seminaries and other institutions of clerical education and the numbers of students permitted to pursue a religious vocation do not provide a sufficient body of trained clergy for officially registered denominations.

Many groups of believers refuse to register officially on the grounds that much of the legislation affecting "religious cults" contradicts the tenets of their religious beliefs. Unregistered believers, such as some Baptists, Jehovah's Witnesses, Seventh-Day Adventists, Pentacostalists, and Hare Krishnas are subject to repressive measures, including harassment at school or place of employment, denial of access to housing, dismissal from work, and imprisonment. One reliable Western count lists approximately 400 religious

activists who are currently serving prison sentences on charges related to their religious beliefs.

The unregistered Pentacostalist Church continued to suffer severe persecution. Pentacostalist Bishop Vasiliy Boyechko was sentenced in March to 3 years in a labor camp allegedly for encouraging his congregation to resist official registration. The small Pentacostalist community in Chuguyevka in the Soviet Far East likewise continued to face repression during 1986. All adult members of that community waged a hunger strike in April to protest harassment by local KGB officials and the mistreatment of eight imprisoned fellow parishoners. Among the Baptists, former vice president of the Soviet Baptist Church Pyotr Rumanchik, who had already served 5 years in a labor camp, was sentenced to an additional 5 years in February for anti-Soviet slander and violations of camp regulations. Baptist leader Pavel Rytikov, who has already spent 10 years in camps, reportedly was sentenced in April to 18 months for parole violations.

The traditional religious affiliation of ethnic Russians and Eastern Ukrainians is the Russian Orthodox Church. While tolerating the existence of this church, the authorities usually have sought by a variety of means to discourage the population's interest and participation and to limit access to churches. A late September Pravda editorial criticized the official religious establishment and called for stronger stress on atheistic education, and an October 1 speech by Party leader Yegor Ligachev echoed that theme.

In Moscow, authorities permit only about 50 churches to function. At Easter, the Russian Orthodox Church's most important religious holiday, police often block or deny access to the crowds trying to attend services.

Believers active in other than officially sanctioned church rituals are often punished. Two Orthodox activists, Aleksandr Ogorodnikov and Sergey Khodorovich, who were already serving sentences for their religious activities, were given additional 3-year sentences for violations of labor camp regulations. Orthodox activist Feliks Svetov was sentenced January 8 to 5 years in internal exile for anti-Soviet slander. Ukrainian Orthodox activist Pavel Protsenko reportedly was arrested in July on charges of anti-Soviet slander. Russian Orthodox deacon and dissident historian Vladimir Rusak was arrested in April and sentenced in September to a total of 7 years in a labor camp followed by 5 years in internal exile on charges of anti-Soviet agitation and propaganda.

In the Ukraine, the campaign against defenders of the outlawed Uniate Church continued. Despite the 1985 imprisonment of church leaders Iosif Terelya and Vasiliy Kobrin, the church remained active, and the clandestine Chronicle of the Catholic Church in Ukraine reportedly reappeared after an extended hiatus.

Persecution of Catholic activists continued unabated. In Moscow, Catholic activist Kirill Popov was sentenced in April to 6 years of strict-regime labor camp followed by 5 years of internal exile on charges of anti-Soviet agitation and propaganda.

Religious Jews also have come under heavy harassment and pressure to curtail their activities. Moscow Jewish activist

Pinkas Polonskiy was threatened in May with legal action by the KGB for his activities involving the teaching of the Torah. In September, after a group of Jews organized the repair of a ritual bath in Moscow's one Hasidic synagogue, local government authorities destroyed the bath, claiming that the group had not requested the necessary official permission to repair it.

Although only a small number of mosques are open for use in the Muslim regions of Central Asia and Azerbaijan, Islam appears to retain a strong hold on the population. Unofficial mullahs, who function without government permission, are the subject of nearly constant pressure. Soviet press condemnations of foreign (mostly Iranian) Islamic radio broadcasts and increased jamming of these broadcasts reflect considerable anxiety on the part of the authorities. Official propaganda efforts are tailored to bolster atheism among the Muslim peoples of the U.S.S.R. and advocate secular Soviet ceremonies as substitutes for religious observances on the occasion of births, marriages, and deaths. The unauthorized printing and distribution of religious books continues to be met with harsh punishment.

Even tiny religious groups were not immune to severe pressure. Harassment, arrests, and trials of Hare Krishna followers in the Baltic Republics, the Ukraine, the Russian Republic, and the Caucasus continued unabated. Ukrainian Krishna activist Ol'ga Sushchevskaya was sentenced to 3 years in a labor camp for "infringement of the rights of citizens, under the guise of performing religious rites." Followers have been confined to psychiatric hospitals in Armenia and the Ukraine. According to a reliable Western source, 28 Hare Krishna followers are currently in labor camps or psychiatric hospitals.

The authorities exert wide-ranging pressure, including through the official media, to discourage religious belief in general among its citizens. The Communist Party is, according to its rules, an atheistic organization. Membership in the party, considered incompatible with religious belief, is in effect a requirement for advancement to most positions of authority or prestige in the country. Thus the authorities have virtually excluded practicing believers from attractive educational opportunities and desirable careers.

Only a few religious publications of controlled content, such as the "Vestnik" of the Russian Orthodox Patriarchate, are allowed to appear. The practice of religion is discouraged by strictly applied limitations on the number of sacred books, such as the Bible or the Koran, which may be printed and by government prohibitions against their importation. The number of clergymen and places of worship today is only a small fraction of the number which existed before the October 1917 Revolution. At the same time, Soviet officials recognize that up to 70 million Soviet citizens adhere to some religion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement is neither guaranteed by law nor respected in practice. Although citizens are generally free to move about within the country, travel in certain areas (e.g., frontier regions or areas of military significance) requires special permission. All adults are issued identity documents or internal passports which must be carried on their person

during travel and used to register visits of more than 3 days with the local authorities. Approximately 20 percent of Soviet territory is formally closed to travel by foreigners, and except for major urban centers most of the remaining territory is in practice difficult to visit or inaccessible.

The right to choose one's place of residence, although formally guaranteed by law, is subject to restrictions. Everyone is required to register his or her place of residence. The authorities limit the number of residence permits in an increasing number of large cities, including Moscow, Leningrad, and Kiev, where housing is at a premium.

An unpublished directive issued by the USSR Council of Ministers in August 1985 (the text became available from unofficial sources in 1986) excludes from Moscow citizens convicted of certain offenses, including all the "political" articles of the criminal code. Its purpose was to reduce contacts between released activists and foreigners resident in Moscow, and it reinforces the KGB practice of interfering with trips to Moscow by activists living elsewhere.

Foreign travel, in particular to Western countries, is a privilege reserved primarily for trusted persons in high party or government positions. Soviet citizens must have a special passport for foreign travel and an exit visa specifying the precise destination for each trip. Almost all international travel by Soviet citizens, except to a few "safe" Eastern European countries, is done in closely monitored groups to lower the risk of embarrassing defections. Soviet authorities, with rare exceptions, require that a traveler's spouse or children remain in the U.S.S.R. as a guarantee of their return.

The right to emigrate is extremely restricted. While the U.S.S.R. has signed the Helsinki Final Act and other international documents in which the right to leave one's country and return thereto is recognized, Soviet law does not recognize the right of citizens to emigrate by choice. The only recognized motive for emigration (as opposed to temporary visits abroad) is reunification of families. In 1986 the Soviet Council of Ministers adopted an emigration law which made that limitation explicit.

Many Jews have waited in vain for more than 10 years for permission to emigrate. Official Israeli sources estimate that there are approximately 370,000 Soviet Jews who have requested the letters of invitation (vyzovs) necessary to apply to emigrate, and that many more Jews would eventually leave if emigration restrictions were lifted. However, a variety of administrative and extralegal sanctions, including loss of employment, harassment, social ostracism, and long delays, dissuade many Jews from even attempting to submit an emigration application. Jewish emigration in 1986 totaled 914, down from 1140 in 1985, and only marginally higher than the 20-year low figure of 896 in 1984.

Approximately 400 Germans and 100 Armenians left the U.S.S.R. in 1985. The levels in 1986 have been equally low.

Soviet authorities in 1986 resolved a significant number of divided family cases affecting the United States, France, the United Kingdom, and Australia. Currently, 106 Soviet families, numbering some 375 individuals, are on a United States Government list of families who are actively seeking to

join relatives in the United States and who have been refused exit permission at least twice by the Soviet Government. During 1986 the Soviet authorities declared 75 cases from the U.S. list "resolved," although by year's end only about 75 percent of these had actually been processed. By comparison, 12 such cases had been resolved in 1985. Of 20 cases on the U.S. list of separated spouses at the beginning of 1986, 10 were resolved during the course of the year, while 3 new cases were added.

At least 19 U.S. citizens, who also hold Soviet citizenship and who are living in the Soviet Union, have been denied permission to emigrate, several of them for many decades. Four such dual nationals received permission to leave in 1986.

The rights of emigrants to return to the U.S.S.R., though guaranteed in international documents ratified by the Soviet Government, is usually not observed in practice. Soviet emigrants, leaving with an exit visa for a country with which the U.S.S.R. maintains diplomatic relations, generally retain possession of a Soviet travel passport. Some are allowed to return to the U.S.S.R. for short visits. Emigrants, mostly Jewish, departing the U.S.S.R. with exit visas for Israel (with which the Soviet Union has no diplomatic relations) are required to renounce formally Soviet citizenship prior to departure, thus effectively precluding their return as Soviet citizens. Some non-Jewish emigrants likewise have been stripped of their Soviet citizenship before being expelled (Orlov), while others have had their citizenship revoked for political reasons while abroad (Rostropovich, Nureyev).

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Ultimate political power is vested in the Communist Party, which is a self-selecting, self-perpetuating hierarchy controlling virtually every element of political expression at all levels. The Constitution provides that the party is the "leading and guiding force of Soviet society and the nucleus of its political system, of all state organizations and public organizations." Ordinary citizens have little opportunity to influence the actions of the party. Actual power within the party flows from the top (the General Secretary, the Politburo, and the Secretariat), thus allowing relatively small groups of party officials and leaders to control the decisions of subordinate bodies. Elections to the Supreme Soviet (parliament) are based on a single list of party-approved candidates and are therefore a formality.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government contends that all internationally recognized human rights are fully protected. Soviet authorities normally reject foreign criticism of their human rights record as interference in Soviet internal affairs, despite the fact that the Soviet Union is signatory to numerous international documents, including the Final Act of the Conference on Security and Cooperation in Europe, recognizing human rights as a valid subject of international concern.

The authorities do not permit foreigners to investigate the status of human rights in the U.S.S.R. International human

rights organizations such as Amnesty International have frequently addressed communications to the Government concerning human rights, but the authorities have declined to reply in a substantive manner. The authorities have suppressed the Moscow chapter of Amnesty International and published attacks on the organization, alleging that it works with Western intelligence agencies against the Soviet Government.

The Government has cooperated with the United States Government in investigating alleged war crimes committed during World War II by persons who are now citizens or residents of the United States. It has permitted the U.S. Government to take depositions from witnesses in the U.S.S.R. and has provided documentation for use in U.S. courts.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution guarantees the equal status of individual Soviet citizens, regardless of nationality, sex, or language. In reality, the Soviet leadership manipulates these factors in order to maintain control in the U.S.S.R. These factors, along with social status, affect a citizen's opportunities within Soviet society. Beyond that, the Soviet Union practices discrimination based on ethnic origin.

The Soviets recognize more than 100 nationalities in the U.S.S.R. Many ethnic groups have territorial and administrative entities, the 15 Soviet republics representing the largest and most developed of the nationalities. Despite a professed commitment to the maintenance of national identity, actual Soviet policy continues the program of Russification first practiced by the tsars.

Russification has taken on a variety of forms over the years. While mass resettlement of entire ethnic groups is no longer practiced, assimilation is promoted through more subtle means. The extent and effectiveness of this Russification policy, implemented to varying degrees in the different republics, is evident in most aspects of everyday life, including government, language, education, media, literature, economics, and even in the legal system. Universities accept students according to unofficial quotas and thus influence careers and advancement opportunities.

Some party and government positions traditionally have been reserved for certain nationalities. For example, the Soviet leadership has projected Slavic influence in non-Slavic areas by reserving second secretary positions in republic and lower-level party organizations for Slavs while giving the first secretary positions to a member of the indigenous ethnic group. In December, however, the Gorbachev administration replaced the first secretary of the Kazakhstan Communist Party with a Russian. Nationalist rioting followed in the republic's capital, Alma-Ata.

The Government implements an economic policy concentrating a disproportionate amount of heavy industry within the Russian Republic. This policy often contributes to limited and uneven economic growth in the non-Russian republics. This concentration of industrial facilities often requires the import of non-Russian labor, thereby forcing the economic migration to Russia of minorities from other republics. This migration speeds the process of Russification as the

minorities are separated even from the limited cultural institutions permitted in their native republics. The same result has been accomplished in Estonia, Latvia, and Lithuania, all of which have relatively small populations, by doing the obverse. There, the establishment of Soviet industries and the accompanying influx of Russian workers during the past 40 years have reduced the proportion of the indigenous nationality in the total population to an alarming extent.

Certain ethnic groups, for example the Ukrainians, suffer particularly harshly from Soviet repression of human rights activists.

The situation in the Ukrainian Soviet Socialist Republic exemplifies the extent of Russification in the Soviet Union. The Ukrainian language is rarely used outside rural areas of the Western Ukraine, and use of the language is regarded by the authorities as a manifestation of "bourgeois nationalism." The number of Ukrainian-language schools has declined, particularly in the industrial southeast. Ukrainian history, culture, and religion are often ignored or distorted. Russification is also apparent in the publishing field; in a recent year, less than 3 percent of the books and brochures published in the U.S.S.R. were in Ukrainian, well under the 19 percent of the Soviet population living in the Ukrainian Soviet Socialist Republic. The development of the Ukrainian language has been further stunted by the almost exclusive use of Russian for scientific and technical publications. Finally, more Ukrainian political prisoners have died in the last few years than those of any other nationality group in the Soviet Union.

Nationalities which do not have a territorial entity and members of those nationalities living outside their republics usually do not even possess the limited cultural and linguistic amenities available to republic and autonomous republic nationalities. In Azerbaijan, the Saingilo Georgian minority--mostly Orthodox Christian--suffers at the hands of the local authorities. In order to force this group to assimilate to the republic nationality, Azerbaijani authorities have closed Georgian language schools, changed the nationality line in the passports of local Georgians regardless of expressed preference, and discriminated against Georgians in hiring and promotion so that virtually no Georgians occupy positions of responsibility on their own national territory.

The Crimean Tatars, a Muslim minority forcibly transported from their historic Crimean homeland to Uzbekistan in 1944, continue to seek repatriation despite harsh measures by Soviet authorities. Some Tatars were reportedly deported for a second time to Central Asia after resettling in the Crimea without proper residence permits. All evidence of a one-time Tatar presence in the Crimea has been deliberately destroyed. Despite official Soviet claims of defending the rights and cultures of all minorities, the Crimean Tatars remain under government pressure to integrate themselves with other central Asian cultures. In December a Soviet court freed Mustafa Dzhemilev, a Crimean Tatar who had served some 12 years in prison and exile for his activities. Three other Tatar leaders are still in prison for their activities.

Most minorities in the Soviet Union suffer discrimination as a result of an official policy of Russification, or as a result

of opposition to that policy. The Jewish population, however, is subjected to systematic persecution based on ancestry.

Soviet Jews, including persons of partially Jewish descent who are identifiable on the basis of physical appearance, last names, or official documentation, generally are denied access to the best Soviet educational institutions at both the school and the university level. This discrimination by extension prevents Jews from advancing into prestigious careers. Those Jews who in the past have overcome these impediments and advanced in their careers generally have been prevented from attaining the highest positions in their professions. Jews employed in economic institutions, for example, are almost never appointed to the highest position, the directorship, even when a Jewish candidate is the most senior and the most qualified.

Soviet Jews are almost entirely excluded from careers in the party or state apparatus. There are no Soviet Jewish members in the Politburo or in any other bodies at the pinnacles of national and regional power.

Soviet Jews are also subjected to harassment by official Soviet propagenda. The Soviet press occasionally features thinly veiled anti-Semitic articles, which often question Jewish loyalty to the Soviet State.

At the same time, Soviet Jewish emigration has been drastically reduced, and the authorities have continued to attack Jewish consciousness through harassment and intimidation, the suppression of cultural activities, and the prosecution of persons for teaching Hebrew. Soviet Jews have been subject to arrests, beatings, and vilification, as well as dismissal from work and illegal searches.

The crackdown on Jewish, primarily "refusenik," activists and Hebrew teachers continued in 1986. (A "refusenik" is a person who has been denied permission to emigrate.) Leningrad Jewish activist Vladimir Lifshits was arrested in January and sentenced in March to 3 years in a labor camp on charges of anti-Soviet slander. Meanwhile, Jewish activists like Leonid Volkovskiy and Iosif Berenshteyn, imprisoned in past years, remained in camps and prisons, many of them suffering from serious health problems.

Women normally enjoy the same legal rights as men and are nominally accorded the right to participate in all areas of the social, political, and economic life of the Soviet Union. An extensive system of day-care service and maternity leave benefits, including up to a year and a half of paid leave from work, significantly enhances the ability of women to secure and retain employment. Virtually all Soviet women work outside the home. Overall, women hold less remunerative positions. Men occupy the great majority of leading positions in most professions, especially politics. At present, 12 of 307 full members of the Central Committee of the Soviet Communist Party are women, and for the first time in two decades a woman was appointed a secretary of the Central Committee.

Most members of the Soviet elite (the party, the military, the diplomatic service, the scientific-technical intelligentsia, and the cultural and sports establishments) are shielded to various degrees from social and economic hardships. They have greater access than the average Soviet to quality food and

consumer goods, special medical facilities, the best schools, foreign travel, automobiles, country houses, and paid vacations at choice resorts.

CONDITIONS OF LABOR

The statutory minimum age for employment of children in 1986 was 16, and the standard workweek was 40 hours. There is no indication of widespread violation of these norms. The minimum wage was set at $112 per month at the official rate of exchange. According to the latest Soviet official data, the average wage is about $272 per month. Soviet law requires, in general terms, healthy and safe working conditions, but they usually fall short of Western standards.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

The United Kingdom (U.K.) is a constitutional monarchy, with government based on a multiparty, parliamentary democracy. As there is no written constitution, human rights are "residual", i.e., assumed unless limited by statute. Human rights have always been respected and guarded by the British people and their elected governments.

The United Kingdom's highly developed industrial economy has a mix of private and state-owned industries. Individuals may freely own property and pursue their economic interests, and the population benefits from a comprehensive social welfare program. Public policy opposes discrimination on the basis of race, religion, sex, or political opinion.

On the whole, the U.K. has a long tradition of respect for human rights. In Northern Ireland, however, that tradition has been tested by years of sectarian violence. As a result, while public safety in Great Britain is maintained by a civilian police force, the police in Northern Ireland receive support from army units.

Recent proposals for a bill of rights for Northern Ireland drawn on the lines of the European Convention on Human Rights raise complex legal and constitutional questions. Nonetheless, the subject has been raised in discussions between the British and Irish Governments.

On November 15, 1985, the British and Irish Governments concluded the Anglo-Irish Agreement which provides: (1) a framework for security coordination between the U.K. and Ireland; (2) a process which (a) enables the Republic of Ireland to advance proposals in specific areas related to Northern Ireland and north-south affairs, and (b) establishes an intergovernmental conference; and (3) a guarantee that any change in the status of Northern Ireland will occur only with the consent of the majority of its people.

Although intended to safeguard the rights and identities of both communities in Northern Ireland, the agreement has met opposition. Paramilitary groups on both sides have continued their campaigns of violence. Unionist members of Parliament resigned their seats in protest against the agreement To demonstrate their opposition to the agreement, some Unionists turned to strike, boycott, and suspension of work in local councils and the Northern Ireland Assembly. In July 1986, the Secretary of State for Northern Ireland prorogued the Assembly before the end of its session. No new elections have been scheduled.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for Integrity of the Person, Including Freedom from:

a. Political Killing

The British Government does not practice or condone killing for political motives.

The Government reported that during 1986, 62 persons were killed by terrorists in incidents related to Northern Ireland during 1986. Twenty-four belonged to the security forces. During the same period, security forces killed five persons.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Since 1969, 2,525 persons have died in violence related to Northern Ireland.

The Government continues to authorize the use of plastic baton rounds (PBR's or plastic bullets) for riot control. A Protestant youth in Portadown was shot with a PBR during a disturbance in March 1986 and later died. In September 1986, a member of the Royal Ulster Constabulary (RUC), charged in connection with the death of a Catholic man at a rally in 1984, was acquitted. The judge found that the use of PBR's had not been inappropriate in the incident.

In 1984 the European Parliament passed a resolution calling for a ban on PBR use in Northern Ireland. While acknowledging the danger of PBR's, the British Government contends they are less dangerous than live rounds. This view was supported in October 1984 when the European Commission on Human Rights dismissed as "manifestly ill-founded" a case involving PBR's, ruling that their use was "acceptable" and "less dangerous than alleged."

A series of fatal shootings beginning in 1982, involving members of the RUC and the army, gave rise to allegations that the security forces in Northern Ireland practiced a "shoot-to-kill" policy when dealing with suspected terrorists. Manchester Deputy Chief Constable John Stalker was assigned to investigate these charges. His investigation was suspended for a time in 1986 when he was removed following charges against him (later dropped) arising from his other police duties. In mid-1986 the investigation resumed under the direction of West Yorkshire Chief Constable Colin Sampson. These events fueled demands for an independent judicial inquiry.

b. Disappearance

Government authorities do not abduct, secretly arrest, or hold persons in clandestine confinement, nor do they sponsor or condone such activities.

The Government reported that, during the first 11 months of 1986, 69 persons were abducted or illegally detained by nongovernmental forces in incidents related to Northern Ireland. This figure includes both terrorist and other kidnapings.

c. Torture, and Cruel, Inhuman, or Degrading Treatment or Punishment

British law forbids torture and cruel, inhuman, or degrading treatment of prisoners and provides penalties for such abuse. Confessions obtained by such methods are not admissible as evidence in court.

Government policy seeks to prevent abuse of prisoners, and in January 1986 the Government put into effect a new Code of Practice for the police, with provisions for disciplinary action.

In April 1985, an independent Police Complaints Authority was established in England and Wales. The Government has announced plans to establish a similar system for investigating complaints against police in Northern Ireland.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

The Government acknowledges that some old British prisons are unsatisfactory and overcrowded and that many prisoners live in cramped, unhygienic cells. Britain's prison population is rapidly rising. The average prison population in 1985 was 46,300, an increase of 2,950 from the 1984 figure. Prison facilities are officially capable of holding only 40,925 persons. Prisons are also understaffed. Home Office figures show that in some prisons guards have been working 80-hour weeks.

To relieve overcrowding, the Government is expanding parole opportunities and has embarked on a building program. Three new prisons opened in 1985, six more are under construction for use by 1990, and nine more facilities are under discussion or in various stages of planning and design.

Prison conditions in Northern Ireland differ in some respects from those in Great Britain. All prisons in the province, except for two centers for young offenders, are maximum-security institutions. Yet Northern Ireland prisons are newer and less crowded than those in Britain, and prisoners have visitation, mail, and clothing privileges not available to those in other U.K. prisons. In 1986, a new prison with an extensive range of educational and training facilities was constructed, and the old women's prison in Armagh was closed. The Northern Ireland prison population declined by one-tenth during 1985-86.

Complaints continue about "strip searching", particularly of women, in Northern Ireland prisons. These searches involve a visual inspection conducted in special cubicles by female officers. Body cavity searches are not performed. Strip searching is routine for prisoners making home visits and conducted on a random basis for those making court appearances. Since prisoners who are on remand (awaiting trial) are brought to court every 8 to 14 days, they face the possibility of frequent strip searching. Proposed changes in remand rules would make court appearance less frequent, reducing the occasion for strip searching. For persons serving sentences, strip searching is conducted on a random basis and is less frequent than for remand prisoners. All visitors to prisons, including government officials, are subject to a "rub-down search." This involves an officer's passing his or her hands over the visitor's clothing. Visitors are not strip-searched.

British legal practice provides for the indeterminate detention of minors convicted of serious crimes (murder). In Northern Ireland, where public attention has particularly focused on this issue, there are currently 47 persons serving indeterminate sentences (down from 63 in 1985). Thirteen of the 47 have been given provisional release dates in 1987, conditioned on continued good behavior.

Britain has ratified the Council of Europe Convention on the transfer of sentenced persons, by which prisoners may be sent to their home countries to serve their sentences. Within the U.K., convicts are almost always required to serve their prison time in the general region where the crime was committed. Transfers can, however, be requested. Prisoners from Northern Ireland, who are serving time in Great Britain, for example, can apply for transfer to Northern Ireland to serve their sentences closer to their families. Several such requests were approved in 1986.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

d. Arbitrary Arrest, Detention, or Exile

British law gives police broad discretionary powers to make arrests without warrant based on reasonable cause. Procedures for bail, judicial determination of the legality of detention, and suits for false imprisonment are routinely utilized in the U.K.

Generally, persons arrested without a warrant must be released on bail if they cannot be brought before a magistrate's court within 24 hours. However, in some cases where the alleged offense is deemed serious, magistrates have repeatedly remanded persons for periods totaling up to 18 months before trial. The average length of time prisoners spent on remand increased from 51 days in 1984 to 55 days in 1985 for males, and from 34 days to 40 days for females. Prisoners on remand currently represent 19 percent of the total prison population.

Subject to review by Parliament, British common law allows for the restriction of individual liberties by the Government in an emergency situation. Acting on the premise that the fundamental "right to life" has been in serious jeopardy due to the violence in Northern Ireland, the British Government has adopted two acts to deal with that threat: 1) the Northern Ireland (Emergency Provisions) Act of 1973, now amended and consolidated as the Northern Ireland (Emergency Provisions) Act of 1978, which is applicable only to Northern Ireland; and 2) the Prevention of Terrorism (Temporary Provisions) Act of 1984 (originally enacted in 1976), almost all of which is applicable to the entire United Kingdom. Although both these acts empower the restriction of personal liberties, they are subject to parliamentary review and to mandatory renewal at frequent intervals.

The 1984 Prevention of Terrorism Act empowers the police to arrest without warrant persons anywhere in the United Kingdom whom they reasonably suspect to be involved in terrorism. Such persons may be detained for up to 48 hours and up to a further 5 days on the authority of the Home Secretary. The powers of the Act were used in 1986 in respect to people suspected of acts of terrorism related to Northern Ireland, India, and the Middle East.

Under the 1978 Emergency Provisions Act, the Northern Ireland police are empowered to arrest without warrant persons suspected of terrorism and to detain such persons for up to 72 hours on their own authority. Similar authority is provided to arrest persons suspected of having committed, or being about to commit, a "scheduled" offense (i.e., one listed on a schedule attached to the law). For the purpose of doing so, the police may enter and search without a warrant any premises or other place where that person is or where the police suspect him of being. Also under this Act, members of the armed forces on duty may arrest without a warrant any person on suspicion of his having committed or being about to commit any offense. Such persons can be held for up to 4 hours, after which they must be transferred to police custody or released. There have been allegations that these limits have been exceeded by the police or the armed forces, but they have not been substantiated. In Northern Ireland, the police generally act pursuant to the provisions of the Prevention of Terrorism Act and the Emergency Provisions Act, thereby assuring that these arrestees have access to a solicitor after 48 hours of detention. Human rights activists allege, however, that the 48-hour rule is not always followed.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

An independent review of the 1978 Act by Sir George Baker, published in April 1984, concluded that its provisions were still necessary. In 1986, following Baker's recommendation, an order was issued increasing the Attorney General's discretion to try specific cases by regular rather than nonjury courts. The Government also proposed other changes in line with the report, e.g., to rationalize the police powers of arrest and limit the life of the legislation to 5 years, which Parliament is expected to approve in the near future.

There is no forced or compulsory labor practiced in the United Kingdom.

e. Denial of Fair Public Trial

Fair trial is guaranteed by law and observed in practice. All criminal proceedings must be conducted in public, with the exception of juvenile court cases and cases involving public decency or security. In a trial on charges under the Official Secrets Act, the court may be closed at the judge's discretion, but the sentence must be passed in public. A national, independent prosecution service was established in 1985. It provides more consistency in determining which cases are prosecuted than was formerly possible when prosecutions were initiated by dozens of police departments across the country. This extends to England and Wales a system created in Northern Ireland in 1972.

In Northern Ireland, certain cases involving terrorist-related offenses are tried by a judge without a jury. This court system (called "Diplock" courts) was established by legislation in 1973 at the recommendation of the Diplock Committee, which had been empowered to consider legal procedures to deal with terrorist activity in Northern Ireland. The 1984 Baker Report found that conditions did not yet exist for the restoration of jury trials for terrorist offenses. However, the Government is committed to the use of jury trials whenever possible, and juries hear all cases not covered by antiterrorist legislation; these constitute the majority of criminal cases.

Persons convicted by a Diplock court have an automatic right of appeal of conviction and/or sentence to a three-judge Court of Appeals, a right not granted to defendants tried before a judge and jury. The rate of conviction in Diplock courts of defendants who have pleaded not guilty is similar to that of defendants tried before juries. Judges in Diplock courts must make written explanations (which are made public) of their decisions. However, critics see an increased tendency to rely on confessions rather than to search for independent evidence of guilt or innocence. They also complain about the lengthy time spent in custody awaiting trial and maintain that conviction rates by Diplock courts are unusually high.

The use of evidence provided by terrorist accomplices ("supergrasses") in nonjury courts continues to be controversial. Although the evidence of an accomplice has always been admissible in U.K. courts, in nonjury courts the judge alone must decide whether the evidence of the "supergrass" is credible, bearing in mind the danger of convicting on the uncorroborated evidence of an accomplice.

The Government maintains that the use of "supergrass" testimony is important in the legal fight against terrorism, but the recent reversal on technical grounds of several

convictions in "supergrass" cases has given impetus to calls for tightening of prosecution procedures in Northern Ireland. In 1985 the 3 trials involving supergrass evidence resulted in 43 convictions and 60 acquittals. There were no "supergrass" trials in 1986, and there is only one group of defendants presently awaiting trial in a case where "supergrass" testimony may be used.

The Criminal Law Jurisdictions Act, enacted by both the British Government (1975) and Irish Government (1976), permits trial in the Republic of Ireland, in Northern Ireland, or in Britain of those accused of certain terrorist offenses, regardless of where the offense was committed.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The right of privacy is well respected in both law and custom.

Warrants are generally required for a police search of private premises. However, under the Northern Ireland (Emergency Provisions) Act of 1978, any member of the armed forces on duty or any constable may enter any premises or other place, if he or she considers it necessary to do so to preserve peace or maintain order. This provision was introduced in recognition of the practical difficulty of obtaining a warrant in certain situations involving terrorist incidents, but it has been criticized for allowing excessively broad powers of entry on mere suspicion of wrongdoing.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

British tradition, an independent press, and a democratic political system combine to secure freedom of speech and press in the U.K. While the Government appoints the Board of Governors of the British Broadcasting Corporation, it does not seek to control the content of programs. Viewpoints independent and critical of the Government are well represented.

b. Freedom of Peaceful Assembly and Association

Except in cases of extreme civil disorder, in which public safety is judged to be at risk, the British authorities do not exercise their statutory right to limit individuals' freedom to attend public meetings of their choice. However, some critics claim that the 1986 Public Order law gives police too much discretion to restrict public assembly.

The Prevention of Terrorism Act of 1984 and the Northern Ireland (Emergency Provisions) Act of 1978 include sections prohibiting membership in, or support of, organizations (Loyalist and Republican) involved in terrorism. These organizations are specifically listed in the statutes. The lists do not include political parties, even those, such as Provisional Sinn Fein, which have close links to terrorist paramilitary organizations and openly support violence.

The summer "marching season" in Northern Ireland presents special problems. Because these marches commemorate the traditions of opposing sectarian communities, they are controversial in the other community and can be a source of

public disorder. The RUC must approve specific marches and routes. During the 1986 marching season, several decisions connected with parades generated controversy. The Chief Constable of the RUC, in his 1986 annual report, recommended the establishment of an independent tribunal with authority to approve marches and their routing.

British trade unions have immunities from prosecution for normal union activities involving the right to organize, bargain collectively, and strike on behalf of their own members. These are derived from common law rather than statute. The Employment Act of 1980, however, makes unions liable under civil law for losses resulting from "sympathy" strikes. In the rare instance where the right to strike is prohibited, e.g., for police officers, there are other means to resolve labor differences.

The Government does not control, intimidate, harass, or persecute unions and other associations, nor does it limit in any way their freedom to maintain relations with recognized international bodies. However, in 1984, the Government prohibited continued trade union membership for public employees at its highly sensitive communications headquarters in Cheltenham on grounds of national security. The ban was first overturned and then upheld in the courts. Complaints concerning the Government's banning of unions at Cheltenham have been lodged and are under consideration by the International Labor Organization (ILO) and the European Court of Human Rights in Strasbourg.

c. Freedom of Religion

Government policy and general practice guarantees freedom of religion to all residents of the U.K.

There is no religious or denominational bar to the holding of public office except in the case of the Sovereign, who must be a member of the Church of England.

While both England and Scotland have established churches, the State makes no direct financial contribution to them, and their existence does not limit the freedom or access to public life of members of other churches. The Church of Ireland and the Church of England in Wales have been disestablished.

In Northern Ireland, the Constitution Act of 1973 specifically prohibits discrimination on the basis of religious belief or political opinion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

In general, U.K. citizens enjoy freedom of movement within the country and in foreign travel, emigration, and repatriation.

The Prevention of Terrorism Act of 1984 includes one exception to this general principle. The Act gives the Home Secretary the authority to exclude or prevent from entering mainland Britain anyone he believes may be connected with terrorism related to Northern Ireland, unless that person was born in Great Britain or has been ordinarily resident there for 3 years. Similar authority is granted to the Secretary of State for Northern Ireland to exclude persons not native to or resident in that province. No one has been excluded under this law in the last 2 years. Nevertheless, these powers have

been referred to by many, including the National Council for Civil Liberties, as a system of internal exile.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The United Kingdom is ruled by a government formed on the basis of a majority of seats in the House of Commons won in freely contested elections. Participation in the political process is open to all persons and parties, of which there are several, representing a broad range of political views.

For parliamentary and local elections, all citizens 18 years of age and over have the franchise. Women have full rights of participation and are represented at all levels of British life. Twenty-five women, including the Prime Minister, are currently members of Parliament.

While racial minorities comprise about 5 percent of the total population, and while there are a few nonwhite members of the house of lords, only one nonwhite member of Parliament sits in the House of Commons. Many nonwhite Britons, however, have been elected to local government. The year 1986 saw the election of the first woman mayor of Asian extraction.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government generally maintains an open attitude toward international inquiries into alleged violations of human rights in the United Kingdom. It cooperates fully with the European Commission on Human Rights in investigations of complaints and has taken steps to rectify its own laws and policies when they were found not to be in conformity with the European Convention.

The United Kingdom is a party to several human rights conventions, participates in international and regional human rights bodies, and is the host country to international nongovernmental human rights organizations, such as Amnesty International.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

British law bars discrimination on the basis of race, color, or national or ethnic origin. Through a highly developed welfare system available to all inhabitants regardless of race, religion, sex, ethnicity, or political opinion, the British Government meets the health, educational, and other basic needs of the people. The National Health Service provides comprehensive medical services to the entire population.

Some studies, however, document a black unemployment rate that is nearly double that of whites, black concentration in manual jobs, and racial discrimination in job recruitment. In 1984 a Code of Practice on Employment, proposed by the Commission for Racial Equality and accepted by the Government, took effect. Although the Code does not have the force of law, it is used as a standard of good practice by industrial tribunals in racial discrimination cases and serves as a guideline for firms in eliminating all forms of discrimination.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Equal status and equal opportunity for women in professional fields is also provided by law. Enforcement mechanisms have been established, and progress toward women's equality is visible in many fields, including government hiring. Still, women have yet to achieve fully equal status. They hold three-quarters of Britain's lowest paying jobs, and the average female wage-earner takes home only three-quarters the pay of her male counterpart, up from 63 percent in 1970. Equal opportunity commissions were established in Britain in 1975 and in Northern Ireland in 1976 to assist in the enforcement of these laws.

Historically, in Northern Ireland, the majority Protestant community has held a higher proportion of the skilled jobs, has controlled much of the local economy, and has been more prosperous than the Catholic community. The unemployment rate in Northern Ireland is substantially higher than that in the United Kingdom as a whole and continues to be on average twice as high for the minority Catholic population as for Protestants. The reasons for this situation are complex, involving a long history of discrimination by one community against the other for the purpose of maintaining its traditionally dominant position. In addition, higher Catholic populations in those younger age groups and rural areas which suffer from higher unemployment throughout the United Kingdom tend to skew this statistic, although Catholic youth unemployment is still higher than that for Protestants. British Government policy attempts to alleviate the problem by promoting equal opportunity, attracting more investment to Northern Ireland, and subsidizing the economy through public sector spending.

Since 1972, when direct British rule was introduced in Northern Ireland, specific measures have been taken to combat religious discrimination against Catholics. These include: reform of the electoral rolls; prohibition of religious or political discrimination by any level of government; establishment of a Commissioner for Complaints to deal with grievances against local government; appointment of a Central Housing Authority to meet the problem of discrimination in housing; prohibition of discrimination in employment; and a special effort to recruit more Catholics into the Civil Service and the Police. In addition, the Standing Advisory Committee on Human Rights was established in 1973 to monitor human rights. Since 1976, the fair employment agency has served as the focal point of the Government's efforts to end job discrimination.

While not disputing the value of these structures, critics are not satisfied and point to slow progress in remedying historical imbalances. In September 1986, the Government published a consultative paper containing proposals to make existing measures to counter discrimination in employment more effective.

Within the Northern Ireland Civil Service, the proportion of Catholics reflects their proportion in the overall population in lower (under 35) age groups. In upper age groups and in the security forces, Protestants still dominate. Recruitment of Catholics into the security forces is made more difficult by terrorist threats, often carried out, to kill Catholics who join the Royal Ulster Constabulary or Ulster Defense Regiment. In 1986 a death threat from the Provisional Irish Republican Army (PIRA) caused a Catholic member of the Police Authority to resign. Similar death threats from the PIRA have

led to loss of jobs, particularly in the construction and service industries, and have affected investment in Northern Ireland.

CONDITIONS OF LABOR

Although Britain has no national minimum wage, about 48 percent of the work force belong to labor unions that set their wages with employers. Until recently, organized labor resisted the setting of a national minimum wage. For workers employed in hotel, restaurant, and services sectors, where union representation is minimal (about 10 percent of all workers), wages councils comprising representatives of management, labor, and the public set minimum wages and other conditions of employment. The Government has abolished minimum wages set by wages councils for persons under 21.

Basic rights for all nonunion workers, including white-collar professionals, are covered by employment protection legislation. Turn-of-the-century legislation limiting working hours for women employed in most manufacturing occupations was repealed in July 1986.

Minors are allowed to do limited part-time work beginning at age 14 and are considered adults at age 16 for purposes of working hours and conditions. Working conditions and hours for minors are strictly regulated to ensure that a job does not interfere with school.

Under the terms of the 1974 Health and Safety at Work Act, the Health and Safety Executive enforces strict occupational standards of health, safety, and working environment conditions. The Health and Safety Commission, consisting of management, labor, and public members, supervises the Executive and can develop new codes and regulations, subject to government approval.

YUGOSLAVIA

The Socialist Federal Republic of Yugoslavia is a multinational, federal state comprising six republics, one of which has two autonomous provinces. The league of Communists of Yugoslavia (Communist party) maintains a monopoly on political power. The ideology and practice of Yugoslav communism and Socialist self-management differ substantially from the highly centralized Soviet model of Communist rule. In recent years, Yugoslav society has evolved toward greater openness, including more freedom of speech and the press.

In the Yugoslav political system, the party is decentralized so that Republic and Provincial party authorities wield power that is seldom challenged by the central party bureaucracy. In the economic system, Socialist self-management theoretically and legally provides that the workers run their own enterprises. Nearly 85 percent of agricultural land is privately owned, and there are some private enterprises in services and small-scale manufacturing.

State security and uniformed police are under the jurisdiction of Federal and Republic secretariats for internal affairs. Security and police forces are generally subject to, and heedful of, overall direction from the political level, although on an operational basis they maintain considerable independence.

Growth in 1986 in the largely decentralized Yugoslav economy has been broadly based but has taken place amid rampant inflation. The implementation of austerity and economic reform programs adopted in earlier years has taken longer than anticipated, and the Federal Government is grappling with a worsening trade performance, a high level of hard currency debt, and the perceived need to protect the Yugoslav living standard while enforcing financial discipline.

Although the fundamental tenets of Socialist self-management and the present federal structure of the State are among the few subjects which cannot be questioned, there is relatively open debate on the implementation of these concepts. Key topics frequently discussed in public include the boundaries of permissible political and cultural expression, economic reform, and the functioning of the political system. Some issues, however, appear to be so sensitive that free speech is only partially tolerated. Hence, Yugoslav officials, wary of historically rooted separatist sentiments, have taken stern measures to repress displays of ethnic "nationalism."

The human rights situation in Yugoslavia in 1986 continued much as in 1985, with both positive and negative developments:

--Arrests and convictions for what are called "verbal crimes" (most often on charges involving "nationalism" or "hostile propaganda") continued at a significant level. A U.S. citizen (dual national) was charged with joining a hostile organization in Detroit and participating in an anti-Yugoslav demonstration in Washington, D.C., activities which are legal under U.S. law.

--The well-known Croatian dissident Marko Veselica was released early from his prison term, and one of the two convicted "Belgrade Six" defendants remained at liberty. The other, however, began serving his 18-month prison sentence in July.

YUGOSLAVIA

--Violent incidents among ethnic groups, particularly in the Autonomous Province of Kosovo, continued to reflect and exacerbate social tensions.

--Some 100 ethnic Albanians, allegedly irredentists, were prosecuted on charges of hostile activity and conspiracy to overthrow the State.

--Three spontaneous mass marches, rarities in Yugoslavia, took place peacefully in Belgrade early in the year. A fourth was forcibly broken up.

--Nearly all religious groups had significant building projects under way or recently completed.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reported instances of killing by government forces. In the past, Serb-Albanian ethnic tensions in Kosovo have resulted in violence and occasional fatalities. Attacks by members of one nationality on the other continued at a low but steady level in 1986, but no deaths were reported.

b. Disappearance

No instances of prolonged or permanent disappearance of persons inside Yugoslavia came to light.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Although both Yugoslav law and the Constitution forbid torture, various sources reported that people (including dual U.S.-Yugoslav citizen detainees) were beaten, maltreated, or threatened during pretrial detention or while serving sentences. In 1986 journals in Slovenia twice carried extensive reports on the alleged abuse in prison in recent years of two prominent dissidents (Vojislav Seselj and Dobroslav Paraga).

d. Arbitrary Arrest, Detention, and Exile

Yugoslav legal procedures derive from Napoleonic law and are generally followed in all, including political, cases. Arrests are conducted pursuant to warrants, defendants are usually brought before a judge within 24 hours of arrest, persons arrested for political reasons are usually charged with the specific sections of the Criminal Code dealing with political crimes, and defendants have the right to independent counsel.

"Political crime," as defined by the Yugoslav Criminal Code, consists of attempts to overthrow the constitutional order or to undermine the country's territorial integrity, unity, or basic constitutional system. "Political crime" includes a number of broad, imprecise categories such as "counterrevolutionary acts," "association (for the purpose of) hostile activity," "insulting the reputation of the President of the Republic," "fostering national hatred," and "hostile

propaganda." Enforcement of these laws varies from republic to republic, with the result that persons have been jailed in some parts of Yugoslavia for acts which in other parts of the country rarely, if ever, result in criminal sanctions. Pretrial confinement in political cases sometimes occurs.

The Criminal Code permits the arrest and imprisonment of Yugoslav citizens for acts considered political offenses under Yugoslav law, even when they are committed abroad and are not crimes in the country in which they take place. Such cases are often based on the expression of views hostile to the Yugoslav regime or association with anti-Yugoslav emigre groups. In 1986 three such cases involved U.S.-Yugoslav dual nationals.

There were no reports of the practice of forced labor.

e. Denial of Fair Public Trial

Although ordinary criminal trials are almost always open to the public, not all political trials are. Yugoslav political authorities usually do not actively interfere in judicial proceedings concerning political cases. However, substantial evidence exists that in some cases Federal, Republic, and Provincial authorities have sought to orchestrate the trials of those charged with political crimes. Some human rights organizations believe that the outcome in political cases in Yugoslavia is predetermined. Other observers, including critics of the Government, hold that the courts have considerable independence, particularly in determining the length and type of sentences, if not innocence or guilt.

Many persons accused of political offenses are able to find capable, energetic counsel, but in the past government authorities have sometimes intimidated or chastised attorneys who took political cases.

The precise number of current political prisoners is difficult to determine. Official figures are hard to obtain and frequently contradictory or incomplete. The number of political prisoners countrywide was estimated by the Lawyers' Committee for Human Rights in 1985 to be between 600 and 1,000. Official figures show that in 1985 charges were brought against 451 persons in political cases (compared to 466 in 1984). Close to 90 percent (389) of those involved so-called verbal crimes, that is, charges arising from something the accused said or wrote. Also among those charged and convicted in political cases may have been persons involved in hostile organizations responsible for committing crimes of violence, who did not themselves advocate or engage in violence.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Yugoslav authorities are widely believed to interfere on occasion in the private lives of citizens. Allegations of such interference are most common from those citizens actively engaged in nonofficial political activity. Although the judicial system provides elaborate safeguards concerning procedures for conducting searches, these safeguards are sometimes ignored. Many Yugoslavs also believe that authorities eavesdrop on conversations, read mail, and tap telephones.

YUGOSLAVIA

Yugoslav citizens are generally free to receive and read foreign publications. Infrequently, the import or sale of a particular issue of a foreign publication will be banned, usually because the issue contains a story which the authorities believe presents false or hostile information about the regime. The publications of certain Yugoslav emigre groups, particularly those that advocate the dissolution of the Yugoslav Federation or redrawing of its internal political boundaries, are considered hostile in themselves, and their importation, possession, or sale is sufficient grounds for bringing criminal charges.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Yugoslavia has continued its slow and sometimes halting movement toward greater openness and freedom of speech and press. In theory, both the Yugoslav Constitution and Yugoslav law affirm these freedoms.

The Government grants some latitude in what it considers nonnationalist and nonthreatening oral expressions of disagreement with government policy. For example, in July 6,500 shipyard workers in Split addressed a letter of complaint to local, Republic, and Federal authorities, about the general state of affairs. The Government also tolerates considerable commentary and criticism in academic and some quasi-official public forums. Nonetheless, a few topics remain sensitive, such as the status of the Autonomous Province of Kosovo and tendentious interpretation of the history of and relations between Serbs and ethnic Albanians.

With wide variations in local practice, the authorities periodically seek to punish those who make allegedly derogatory or inflammatory ethnic statements. Such "hostile" oral statements and other forms of personal expression (e.g., painting slogans or singing "nationalist" songs) may be grounds for criminal prosecution. During 1986 discussion continued in the press and public about the desirability of eliminating legal provisions against such so-called verbal crimes, but it appears that such reform will not occur soon.

Although both Yugoslav law and practice impose some restrictions on freedom of the press and freedom to publish, press autonomy has increased markedly in recent years. Neither the print nor broadcast media are censored prior to dissemination. Press criticism of government policies and proposals concerning domestic political and economic issues is frequent and often sharp enough to spark government charges of "irresponsibility." There is also ample criticism of the Federal Cabinet and of the League of Communists at all levels, but criticism of the State Presidency is rarer.

Government oversight of the media is through publication boards, which include ranking party officials, and through editorial staffs' use of self-censorship. This type of control, however, is incomplete and varies from republic to republic. Despite government pressure not to do so, for instance, two Yugoslav publications carried portions of official files detailing Kurt Waldheim's wartime activities in southern Yugoslavia. The Slovenian youth press has attracted criticism from other republics for its open coverage of issues that are anathema to most senior party and government

officials, such as civilian alternatives to military service and historical "reconciliation" among anti-Nazi resistance forces during World War II.

There has been extensive press coverage of disagreement between Albanians and Serbs in Kosovo. A prominent example was a long article in a Slovenian periodical featuring an interview with a senior Serbian activist who protested "oppression" of the Slavic minority in Kosovo by Provincial authorities, as well as a rebuttal by an ethnic Albanian government official from Kosovo. At the same time, however, a draft document drawn up in the fall of 1986 by the Serbian Academy of Arts and Sciences was denounced by Serbian party authorities for its "nationalist" content and alleged attack on Tito. Overall, publications on these themes have attracted considerable official criticism but virtually no legal action.

Public prosecutors have the power to ban the publication and sale of books or periodicals if authorities deem their content "hostile." This power is rarely used, and few publications are actually banned in a given year. It is difficult to judge the degree to which the threat of a ban or of possible reprisals against a publisher may discourage the publication of controversial literature. Banning of publications is often a local option, and standards of what is acceptable vary throughout Yugoslavia.

In book publishing, the authorities generally provide only loose political oversight. Police and prosecutors rarely intervene. The works of Soviet and other Eastern European dissidents are published in large press runs and sold widely. Although works by some authors, such as Milovan Djilas, have long been banned, many writers and publishers have been testing the limits of the permissible. This has resulted in occasional clashes with the authorities. Several books were banned in 1986, including: an anthology of poetry by a group of Kosovo professors, "Fourteen Authors," because of its "nationalist" character; "Hunting Down of Heretics" by Vojislav Seselj, because of its treatment of the leadership of Bosnia and Hercegovina; and "The Allies and Yugoslav War Drama" by Veselin Djuretic, for its favorable portrayal of the World War II Cetnik movement.

b. Freedom of Peaceful Assembly and Association

Public political demonstrations are permitted only by official organizations and generally only in support of government policies. Others are usually, but not always, suppressed. Public gatherings and meetings of private organizations are permitted but must be registered with the authorities.

Unauthorized mass marches were allowed to proceed in Belgrade in February (involving about 150 people), April (500-600 participants), and November (about 150 participants). In these manifestations, disgruntled ethnic Serbs and Montenegrins from Kosovo Province came to Belgrade to air complaints of alleged abuses by the ethnic Albanian majority in that Province. The marchers met at length with government and party officials. An attempted march in June (on the eve of the party congress) was broken up in Kosovo by the police, forcibly but with little violence.

A nascent antinuclear energy movement has enjoyed broad media coverage and has used petition campaigns and public roundtable

discussions to promote its views. In the aftermath of the Chernobyl incident in the Soviet Union, the Government pledged a public debate on nuclear power before making a decision on construction of Yugoslavia's second nuclear power plant.

The Socialist Youth Alliance of Slovenia has been actively promoting the concept of civilian alternatives to military service, and public debate on that issue is spreading. In April, after the U.S. military attack on Libya because of its involvement in terrorism, the Slovenian Peace Movement organized three gatherings in that Republic, criticizing both the U.S. and Libyan acts of "aggression/terrorism" as well as Yugoslav policy on these issues.

The Committee for the Defense of Freedom of Thought and Expression, of which the well-known Serbian writer Dobrica Cosic and other prominent Yugoslav intellectuals are members, continues to speak out occasionally on human rights and political issues. In October it wrote to the Federal Assembly calling for a number of reforms in the political and legal system, including elimination of the "hostile propaganda" provision of the Criminal Code. The jailing in February of university professor Dragoljub Petrovic for his "offensive statements" in a journal article prompted a number of protest meetings on his behalf. During the summer a fund (initiated by some 200 Yugoslav authors, professors, and journalists) was set up to aid those who lost their jobs due to their political opinions. The Serbian Writers Union held several meetings in 1986 to discuss the politically sensitive situation in Kosovo. In November the Belgrade section of that organization, through its Committee for Protection of Artistic Freedom, issued a statement criticizing the 1984-85 trial of the so-called Belgrade Six and calling for the release from prison of Belgrade Six defendant Miodrag Milic.

Trade unions are organized geographically by republic and province, and by trade within these boundaries. At the Federal level, the trade union organization almost invariably supports government policies while pleading that any negative effects on workers be minimized. In practice, responding to Yugoslavia's persistent economic difficulties, union leaders are becoming more active in advocating worker interests on such matters as the impact of inflation, standard of living, and wage policies. Under Yugoslavia's system of self-management, however, unions generally play a relatively minor role in representing worker interests in the management of enterprises, including distribution and levels of income, determination of working conditions, and settlement of disputes.

Strikes, usually referred to as "work stoppages," are neither explicitly legal nor illegal. Most strikes involve either the amount or distribution of personal incomes among the work force of a particular enterprise. Although most are brief--4 to 8 hours--some have lasted for several days.

The number of strikes continued to increase in 1986, primarily in the more developed Republics of Croatia and Slovenia. During the first 6 months, 383 work stoppages took place (12.3 percent more than during the same period in 1985), involving more than 38,000 workers (53 percent more than during the same period in 1985). Both publicly and within the Government and the party, the question of legalizing or regulating strikes and of the role of the trade unions in strike situations is

being discussed. The apparent anomaly of labor strikes in a worker self-management system is central to the discussion.

c. Freedom of Religion

Yugoslavia is a multireligious state. Most Yugoslav believers are adherents of the Roman Catholic Church, the Serbian or Macedonian Orthodox Churches, or the Islamic faith. Since World War II, the Jewish community has numbered only several thousand persons. There is a small Protestant community which includes fundamentalist denominations. There is no official or favored religion; the Government officially encourages atheism.

Although freedom to practice religion is guaranteed under the Constitution, public proselytizing, either through electronic media or personal witnessing, is forbidden. The latter is sometimes done anyway, particularly by Jehovah's Witnesses. The religious communities have vigorous publishing programs, although they do not have their own printing facilities. Their publications are normally sold only through subscription or at places of worship. As in 1985, religious groups were able to distribute materials at the Belgrade International Bookfair. Bibles and Korans are readily available. Contacts with coreligionists abroad are extensive and unhindered.

The construction of new churches and mosques requires the consent of local government authorities. Nearly all religious groups have built or are building new facilities: ground was broken in April for reconstruction of the Serbian Orthodox St. Sava Cathedral in Belgrade; an estimated eight new mosques were opened and the Zagreb mosque, the largest in Yugoslavia, may be open soon; new Protestant churches began services in Pristina, Pec, and Mostar; and authorities in Belgrade have granted permission for a new Pentecostal Church in the heart of the city.

Several large religious gatherings occurred without incident. For example, some 60,000 people, including Federal, Republic, and local authorities, gathered in May at the Serbian Orthodox Studenica Monastery in southern Serbia to celebrate its 800th anniversary. A crowd of about 10,000 in Hercegnovi celebrated the second anniversary of the canonization of Croatian Catholic Saint Leopold Mandic. Macedonian authorities participated in "enthronement" ceremonies of the new Macedonian Orthodox Church leader. Authorities continued to tolerate large-scale pilgrimages by domestic and foreign Catholics to Medjugorje, a village in Bosnia-Hercegovnia where the Virgin Mary is said to appear regularly to several young people, and relaxed earlier restrictions on building public facilities at Medjugorje.

Religious believers of all faiths face possible discrimination. For example, a party member who is a religious believer and takes part publicly in the sacraments of the church risks disciplinary action or expulsion from the party. Constraints on occasional attendance at services and the religious instruction of children vary from region to region. Primary education outside the state system is not permitted in Yugoslavia, but religious education at the secondary and university level is allowed and exists for all major faiths. Yugoslav religious communities also make vigorous efforts to provide religious instruction outside of school for children and young people.

YUGOSLAVIA

Conflicts between the State and Yugoslav religious communities develop if the latter engage in what authorities consider "nationalist" or political activities. The authorities frequently criticize the Catholic Church in Yugoslavia for alleged support of Croatian nationalism and political activism, and also have criticized the Serbian Orthodox Church for alleged Serbian nationalism.

Occasionally, arrests are made on nonpolitical charges. For example, the Serbian Orthodox priest Sava Nedeljkovic was sentenced to a short prison term for allegedly hearing confession and giving last rites in a private home without the allegedly required advance permission. In that case, the Yugoslav Catholic press and the Belgrade news magazine NIN joined Serbian Orthodox spokesmen in publicly accusing the authorities of having gone too far.

Yugoslav authorities regard ties between Yugoslav Muslim and Islamic fundamentalist groups abroad with suspicion, although those ties are weak. Despite Yugoslavia's lack of diplomatic relations with Israel, Jews--including rabbis--travel between the two countries, as do ordinary Yugoslav tourists and journalists.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement within the country is guaranteed by the Constitution and permitted in practice. However, someone who wishes to move permanently from Kosovo now requires permission. There is a prevalent belief among non-Albanians that the outmigration of ethnic Serbs from Kosovo Province is the result of anti-Serbian behavior (including personal threats, vandalism, and occasional violent acts) on the part of the ethnic Albanian majority. Serious efforts have been undertaken at all levels of government to stem Serbian emigration from Kosovo, or at least to ensure that ethnic pressures are not to blame. Nonetheless, the emigration persists and remains a significant political problem.

Almost all Yugoslavs are able to emigrate and seek employment abroad. Half of the country's population possesses valid passports, and no exit permits are required to visit the more than 135 countries with which Yugoslavia has diplomatic or consular relations. A very small number of Yugoslavs are denied passports either temporarily or permanently on national security, political, or criminal grounds. Over 600,000 Yugoslav workers, some with family members, are employed as "guest workers" in Western Europe.

The law on the entry of foreigners to Yugoslavia notes the right of permanent asylum and provides for government assistance to persons granted that right. In addition, Yugoslavia extends temporary asylum to refugees who, with the assistance of the Belgrade office of the United Nations High Commissioner for Refugees (UNHCR), seek permanent resettlement in third countries. At present, there are about 900 such refugees in Yugoslavia. There were no known cases in which a refugee under UNHCR protection was forcibly repatriated.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The 2-million-member League of Communists of Yugoslavia maintains a monopoly on political power, but its authority is

dispersed and diluted because the party is decentralized to the level of the six republics and two provinces. Yugoslav politicians and the press regularly note that the country's eight regional party organizations hold widely differing views on key political issues.

Governmental bodies are responsible for administering and drawing up specific policies, especially economic policies. At the top of the government structure are the collective State Presidency (Chief of State), the Federal Executive Council (Cabinet), and the Federal Assembly (Parliament). The Presidency is responsible for overall policy direction. The Federal Executive Council, headed by a chairman who is the Prime Minister, is responsible for running the governmental machinery and proposing specific legislation. Virtually all government offices mandate a rotation of officials once every year or 2 years, usually with the possibility of extension for one additional term.

The Federal Assembly is responsible for enacting legislation. It operates sometimes by majority vote and sometimes by consensus among delegations representing the country's six republics and two autonomous provinces. In recent years it has been quite active and contentious. It has several times rejected or drastically altered proposals endorsed by the Federal Presidency and Cabinet, and it is often the scene of sharp debates which are generally reported fully in the media.

Federal laws must also be adopted separately by Republic and Provincial Assemblies before they can be implemented, and thus these local assemblies wield considerable power, amounting at times to an actual veto of Federal authority. In certain cases, delegates to the Federal Assembly must have authorizing instructions from their Republic or Provincial Assemblies before engaging in negotiation or compromise on Federal legislative measures.

Selection to Communist party bodies is accomplished by the party bodies themselves. Methods range from secret ballot and majority vote to virtual appointment. Selection to government bodies occurs via a delegate system. Nominations originate in the various sociopolitical organizations which are members of the mass umbrella organization, the Socialist Alliance of the Working People. This includes the trade unions, the League of Socialist Youth, and the Union of Veterans. On the local level, ordinary workers can and do play an active role in the selection process.

In the spring of 1986, elections were held throughout Yugoslavia for local government and party offices. There was a concerted effort to offer multiple candidates for each opening, but this goal was not uniformly met. In some instances, those running unopposed failed to draw the minimum number of votes required for election.

At its 13th Congress in June, the League of Communists of Yugoslavia approved new party rules, requiring the congress (rather than the Republic and Provincial parties) to elect the Central Committee by secret ballot and with a two-thirds majority for election. A proposed amendment to require multiple candidates in all party elections was turned down.

Yugoslavia's many ethnic groups generally have equal access to political and government positions, especially through their

respective republics and provinces. There are some allegations of political discrimination, particularly from ethnic Albanians, that Serbs are overrepresented in the party and government of Kosovo. However, in terms of percentages and visibility, these allegations were not borne out by the situation in 1986. Many senior executive government and party positions rotate annually or biennially from one nationality to another according to a predetermined national "key."

For a 4-year term until the spring of 1986, the Federal Prime Minister was a woman. Several high-ranking positions in the current government are held by women, as is the presidency of the Trade Union Federation. However, there are still allegations that women cannot participate fully in government and political life. While full and unimpeded oportunities for women are mandated by law, women are underrepresented at higher levels, reflecting longstanding social attitudes and customs.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is sensitive to Western charges of human rights violations within Yugoslavia; often it attempts to dismiss such charges as efforts to bring pressure on Yugoslavia to alter its social, economic, or political system. In the past, government officials sometimes refused to meet with representatives of international human rights groups. In 1986, however, the Appeal of Conscience Foundation from the United States visited Yugoslavia and had access to a wide range of Yugoslav officials, including at high levels. A representative of the International Human Rights Law Group was also well received, as was a Western parliamentary group interested in the Yugoslav judicial system.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution guarantees the equality of citizens regardless of sex, and there is no racial discrimination as such. Despite government efforts, however, some social discrimination continues, particularly against ethnic Albanians and Gypsies. As noted above, in the Autonomous Province of Kosovo there have been growing complaints by the Serbian minority of discriminatory practices on the part of the Albanian majority.

The Government has taken steps to improve the status of women. Maternity leave for employed women is very liberal and is routinely granted for periods between 9 and 12 months. Depending on the republic, working mothers are given day-care allowances based on their salaries and the number of children to be cared for. Also, a working mother may take sick leave when her child is ill for up to 2 years after its birth, and the father may do so when the mother is ill.

The role of women in Yugoslavia's work force has slowly improved as a result of increased education and urbanization. According to statistics for 1984, 37.3 percent of the work force in the socialized sector was composed of women, as opposed to 34.5 percent in 1974. However, women still hold relatively low and poorly paid positions in their respective fields of employment.

YUGOSLAVIA

The Constitution charges government authorities at all levels with protection of the cultural rights of all the peoples of Yugoslavia. The use of the major local language is required in official communications between Belgrade and the various republics, and local languages are used in the schools, courts, and local media. The various nationality groups have the right to use their own flags, with some restrictions.

CONDITIONS OF LABOR

Factories are owned in theory by society as a whole, with their assets administered by their workers, organized in enterprise-level workers' councils. In practice, the influence of workers' councils varies, but they are actively involved in determining workers incomes, fringe benefits, and working conditions. Through their trade union organizations, workers participate in decisions affecting housing, transportation, continuing education, and other living and working conditions.

Working conditions and safety are regulated by Republic and Provincial laws. The standard workweek is 42 hours. Common practice is to work five 8-hour days per week and one Saturday per month. Most workers have the right to 1 month's paid vacation per year, as well as extensive sick leave.

The minimum age for the employment of children is 16 years. Of the unemployed in Yugoslavia, 78 percent are under the age of 30, and, in practice, young people usually wait a long time for their first job.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: YUGOSLAVIA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.1	0.1	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.1	0.1
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.1	0.1	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.1	0.1	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.1	0.1
OTHER US LOANS.....	48.0	0.7	0.0
EX-IM BANK LOANS.....	47.2	0.0	0.0
ALL OTHER.....	0.8	0.7	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	583.3	520.7	176.9	5586.1
IBRD	451.0	292.5	121.5	4650.2
IFC	64.7	101.6	55.4	584.8
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.9	0.3	0.0	38.0
OTHER-UN	0.0	0.0	0.0	3.1
EEC	66.7	126.3	0.0	310.0

AFGHANISTAN

In April 1978, a bloody Communist coup toppled the government of Afghanistan and, following the execution of many of the previous government's leaders and their families, led to the creation of the Democratic Republic of Afghanistan (DRA). The nominal leadership of the new regime was drawn from the People's Democratic Party of Afghanistan (PDPA), a badly factionalized Communist party. After a period of intense intraparty feuding and in the face of growing popular resistance to the Marxist regime, the Soviet Union invaded its small, nonaligned neighbor in December 1979. After 7 years of fighting, between 116,000 and 118,000 Soviet troops, together with the dwindling armed forces of the Kabul regime, were still attempting to crush the resistance--the mujahidin--whom the vast majority of the Afghan people continued to support. In May 1986, the Soviets engineered the ouster of Babrak Karmal as General Secretary of the PDPA and his replacement with the Soviet-trained Najibullah, former head of KHAD, the Afghan secret police.

Through a campaign of indiscriminate air and artillery bombardment, the Soviets and the Kabul regime have sought to terrorize the Afghan people into submitting to the regime's authority or fleeing the country. As a result, conditions in the country have deteriorated to the point that the U.N. Special Rapporteur, in his report on the human rights situation in Afghanistan submitted in February 1986, stated that "continuation of the military solution will, in the opinion of the Special Rapporteur, lead inevitably to a situation approaching genocide." This policy has resulted in the violent disruption of the lives of over one-third of Afghanistan's prewar population of 15 million and the deaths of hundreds of thousands of Afghan civilians.

Reports such as that of the U.N. Special Rapporteur detail the number and scope of violations of international humanitarian law being carried out with impunity by the Soviets and the Kabul regime. Such laws include the 1949 Geneva Conventions and customary international law for the protection of civilians which proscribe murder, mutilation, and the massive use of antipersonnel weapons; the 1925 Geneva Protocol and the 1972 Biological and Toxic Weapons Conventions; the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict; and prohibitions against torture and other cruel treatment or punishment, including Article 7 of the International Covenant on Civil and Political Rights.

The immediate objective of the Soviet occupation is the establishment in Kabul of a secure and pliable client regime. However, the Soviets' long-term objective appears to be the absorption of Afghanistan into the Socialist camp. To this end, Soviet advisers since 1979 have moved steadily into controlling positions in Afghan ministries, the armed forces, and the party. They now make or heavily influence all significant political, military, and socioeconomic decisions nominally made by the Najibullah regime. After 8 years of Marxist rule, the regime's power extends only to Kabul and a few other areas heavily guarded by Soviet forces.

Afghanistan was among the world's poorest nations before the war began. Soviet and DRA military operations have further impoverished the Afghan people, disrupted internal and foreign trade and communications, and led to a general degradation of the quality of life for those who have not fled. The reduction in living standards has been compounded by the Soviets' and

AFGHANISTAN

DRA's deliberate destruction of the country's agricultural infrastructure.

Afghanistan lacks an independent judiciary to guarantee fundamental human rights. The most feared and consistent violator of human rights remains the secret police, formerly known as KHAD but renamed the Ministry of State Security in January 1986. Reportedly, more than 25,000 Afghans work full time within the Ministry under the close supervision of Soviet KGB "advisers." Many more Afghans are on the Ministry's payroll as informants. To accomplish its task of maintaining regime authority, the Ministry relies on intimidation, surveillance, imprisonment, interrogation, and torture.

Under the Najibullah regime, the dismal human rights situation deteriorated still further in 1986. There is no prospect for an improvement in the human rights situation in Afghanistan without a political resolution that includes complete withdrawal of Soviet forces.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Arbitrary killing and other acts of violence against suspected regime opponents were commonplace in 1986. On January 10 and 13, Soviet aircraft carried out bombing raids against the town of Kohestan in Kapisa province and against Charikar, the capital of Parwan province. There were many civilian casualties in both locations, including 14 women and children killed in Charikar alone. Later that month, a Soviet-DRA force entered the village of Karch Laswari in Konarha province, seized several villagers suspected of collaborating with the mujahidin, and summarily executed them. On June 5-7, Soviet forces bombed civilian targets near Sanglok in Wardak province, killing or wounding 20 civilians. As reprisals for mujahidin attacks in the Maidanshar area of Wardak, Soviet bombing raids in early August led to the deaths of approximately 50 civilians. A similar reprisal raid in October against the village of Farza, 30 kilometers northwest of Kabul, resulted in 30 civilian deaths. The Soviets and/or the DRA also conducted such raids in June in the city of Herat, in July in the Logar valley, near the city of Paghman throughout September, and in the towns of Qarabagh, Shaka Dara, and Estalef and surrounding villages during October.

The Soviets and the Kabul regime routinely execute captured resistance fighters on the battlefield. Occasionally, however, high-ranking captives are held for potential trades for Soviet prisoners. There are no known DRA prisoner- of-war detention facilities. The regime has claimed that captured mujahidin are not prisoners-of-war but rather "bandits."

The regime continued in 1986 to execute political prisoners. The Kabul press carried occasional reports of death sentences meted out to alleged resistance fighters. Such reports included the sentencing to death, in their absence, of major resistance leaders and an April report of the "lynching" of two men who were accused of spreading false propaganda about the revolution. The report noted that the two had "met their deserved fate."

AFGHANISTAN

There are persistent reports that some mujahidin units have executed captured DRA military or party personnel. Although mujahidin units increasingly recognize the value of holding Soviet prisoners for public relations purposes or as a commodity to be traded later for captured comrades, general mujahidin field policy is apparently to kill rather than release those prisoners who burden their operations or jeopardize their security.

Mujahidin assassination attempts against both party and government personnel and against Soviet military and civilian cadre are relatively common. Mujahidin attacks on Soviet and DRA posts have also resulted in the death and injury of innocent bystanders.

b. Disappearance

There were, as in the past, many disappearances in 1986. In most cases, family members learn eventually of the fate of persons who disappear from government-controlled cities. The unexplained disappearance of young males often means impressment into the armed forces. In other cases, Afghans are arrested and imprisoned or summarily executed for political offenses. Some persons disappear as a result of the actions of the mujahidin, who sometimes abduct or capture regime personnel, military and civilian, and suspected government collaborators.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

To extract information, intimidate regime opponents, and punish suspected resistance sympathizers, the regime security services frequently rely on torture. This policy appears to have official sanction. As Amnesty International has noted in a November 1986 report on torture in Afghanistan, many of the testimonies available to it "refer to the presence of Soviet personnel when prisoners are being interrogated under torture." Physical or psychological abuse and intimidation remain the standard techniques. Such torture reportedly includes electric shock, beatings, banging heads against stone walls, deprivation of sleep, extraction of fingernails, burning of genitalia, hanging by the arms for extended periods, whipping, cutting with knives, and pulling out of hair. There have been unconfirmed reports of the imposition by Islamic judges, in areas outside the regime's control, of extreme punishments such as stoning and mutilation.

d. Arbitrary Arrest, Detention, or Exile

No constitutional or legal safeguards prevent arbitrary arrest or detention. Afghans in areas controlled by the regime face unwarranted seizure by security personnel. Detainees frequently are not told of the charges against them before trial, or in some cases are never brought to trial. Warrants are not used nor is the right to a judicial determination of the legality of detention respected. Some prisoners are held incommunicado for years with their families uncertain whether they are alive or dead. Although bail is occasionally granted, it is not a regular feature of Afghan law. Formal charges, if presented at all, may come only after months of interrogation.

The mujahidin frequently seize and detain Soviet military and civilian personnel. Many remain prisoners, some are killed, and some join the mujahidin. Under a 1982 agreement, the

mujahidin have permitted the International Committee of the Red Cross (ICRC) limited access to its prisoners. The agreement also permitted the ICRC to take custody of a small number of Soviet prisoners being held by the resistance on the condition that they be interned in Switzerland for 2 years. Under the same agreement, the DRA was to permit ICRC access to resistance political prisoners in regime custody. The DRA failed to live up to its commitment, leading eventually to an ICRC decision to close its offices in Kabul. Continued ICRC negotiations with the DRA in 1986 appear to have produced no progress on the issue of ICRC access to prisoners.

e. Denial of Fair Public Trial

All courts, whether civil, military, "revolutionary," or security, are controlled by the PDPA. Laws governing their organization and jurisdiction establish as a first priority the protection of the "revolution." As a consequence, plaintiffs may be denied their legal rights because of charges regarding their political beliefs. Most persons accused of nonpolitical crimes are tried in the civil court system under the norms of pre-Communist judicial codes. Those political detainees who are charged and brought to trial are usually arraigned on allegations of treason, espionage, or terrorism and are tried and sentenced in secret. As a rule, they must provide their own defense without benefit of counsel. Death sentences generally are carried out quickly after a perfunctory review by the ruling Revolutionary Council. There is no mechanism to appeal a death sentence endorsed by the Revolutionary Council.

In areas not controlled by the regime, civil and criminal cases are tried by Islamic judges (qazis) under Shari'a law and according to Afghan custom.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Afghan regime and the Soviet occupation forces do not recognize the right to privacy. Civilian areas are frequently cordoned off and subjected to search. Members of the secret police commonly accompany the military and check book titles and correspondence for evidence of unorthodox beliefs or antiregime connections. House-to-house searches are usually carried out in predawn hours. Telephones, at least in Kabul, are routinely tapped and correspondence monitored. Citizens are warned not to listen to foreign broadcasts except those from neutral countries or states friendly to the regime.

In an interview with a Western correspondent in September, the Minister of Agriculture revealed a regime plan to relocate up to 30,000 families from the eastern provinces to new lands in the west. The plan, said to be voluntary, would be implemented over the next 10 years. However, the Minister's admission that "security concerns" would prompt the regime to move people from mujahidin-controlled areas called the plan's voluntary nature into question.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The regime and its Soviet backers consider the educational system and the mass media essential to their long-term objective of Sovietizing Afghan society and overturning

traditional Afghan social and political institutions. The regime tolerates no expression of ideas which have not been approved by the party and its Soviet ideological supervisors. Opposition viewpoints are suppressed, and criticism of the regime or the Soviets is swiftly punished. The regime employs censorship, surveillance, and oppression to ensure that all publicly expressed views hew to the party line. There is no academic freedom.

All media are owned and controlled by the regime and tightly supervised by Soviet officials. The press, radio, and television are used to convey regime policy and the Soviet interpretation of world events. Soviet films and entertainment programs are frequently featured on Afghan television to reinforce that interpretation. The unlicensed import and sale of foreign video and audio tapes, magazines, books, posters, and other publications are forbidden. The great majority of new books on sale in Kabul, irrespective of language, are published in the U.S.S.R. Afghans are guarded in their private conversations, even among friends or colleagues, lest antiregime or anti-Soviet remarks be reported to the secret police. Western radio broadcasts in the local languages are regularly jammed, although some programs do get through to Afghan listeners and constitute one of their main sources of outside information.

b. Freedom of Peaceful Assembly and Association

There is no freedom of peaceful assembly or association in areas controlled by the regime; only regime-sponsored and orchestrated assemblies are permitted. The regime stages "spontaneous" meetings to create the impression of popular support. Demonstrations at Western embassies are arranged on demand. All mass organizations are tightly controlled by the regime.

Employees have been threatened with loss of jobs or imprisonment if they refuse to join party organizations. In some cases, families are warned that their children will be forced out of school if they do not join one of the official youth organizations. This campaign to restrict and channel political and social activities has encouraged the further exodus of the upper and middle classes.

Labor has no right to organize in any meaningful fashion. Trade associations and unions of workers and of peasants are closely modeled after those of the Soviet Union and serve as vehicles for the Sovietization of Afghan society. The Central Committee of Afghan trade unions, with a claimed membership of 150,000 workers, is an affiliate of the Communist-dominated World Federation of Trade Unions.

c. Freedom of Religion

Afghanistan is an overwhelmingly Islamic nation, primarily Sunni. There are some Shi'a Muslims, particularly in the Hazarajat area of central Afghanistan. Traditionally, small urban enclaves of Hindus, Sikhs, and Jews have been tolerated.

Since the 1978 coup, religious organizations have been tightly supervised. Major regime policies are promptly given the imprimatur of the Ministry of Religious Affairs. Wherever possible, the regime selects censors and pays mullahs for individual mosques. Afghans consider many of these clerics to be secret police agents. In the course of military operations

and sometimes in acts of reprisal against civilian communities, Soviet and DRA forces have damaged or destroyed mosques. Mosques in the Qarabagh area, north of Kabul, and at Chandal Ba'i, southwest of Paghman, were among those destroyed. The famous Friday mosque in Herat was damaged during the summer when the Soviets shelled parts of the city held by the mujahidin.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Domestic travel remains severely curtailed by the war. Surface travelers risk being caught in fights between mujahidin and Soviet forces. Buses and other vehicles are sometimes attacked by Soviet or regime helicopter gunships. The civilian traveler is also faced with frequent checkpoints or roadblocks set up by the Soviets, regime forces, mujahidin, and, in some cases, bandits. Tolls are often extracted. Air travel has become more hazardous because of occasional resistance attacks on aircraft and airports.

The regime severely curtails foreign travel by Afghans under its control. Travel to the West is effectively discouraged and permission routinely denied for fear the traveler will not return. Some businessmen can still obtain passports, but many Afghans are forced to pay bribes of $1,000 or more for a passport. Bank accounts and real estate are often demanded as surety for return, and the regime is free to seize the property of persons absent for more than a year. Pilgrims to Mecca are carefully screened and are issued documents valid only for Saudi Arabia.

Overland emigration is dangerous and for many prohibitively expensive. Families attempting to leave the country have been incarcerated, in some instances with their children. Soviet and DRA forces regularly target civilians attempting to flee to Pakistan or Iran. Despite the hazards and difficulties entailed, approximately 4 million Afghans have fled abroad since the Communist takeover in 1978. During 1986, "scorched earth" tactics by Soviet and DRA forces continued to be a major factor contributing to the mass exodus of refugees. The regime maintains that exiles are welcome to return without penalty if they agree to support the objectives of the "Revolution." It has not substantiated its claims that many refugees are returning to Afghanistan.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Afghanistan is a totalitarian state ostensibly ruled by Afghans and the PDPA but is in reality controlled by the Soviet Union. Citizens have no right to change their government. The PDPA is modeled closely on the Soviet Communist Party and is headed by a 14-member Politburo. Soviet military and civilian advisers (the latter numbering approximately 9,000) sit in all ministries and make or approve all significant decisions. Membership in the PDPA is a prerequisite for meaningful participation in public affairs and professional advancement in most fields.

AFGHANISTAN

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Kabul regime has resisted all efforts by international humanitarian organizations to investigate its human rights practices. During 1986 it refused to permit the International Committee of the Red Cross to monitor the conditions of, or have access to, mujahidin prisoners it holds, notwithstanding a 1982 agreement with the ICRC in which it undertook to permit access.

The Soviets and the Kabul regime strongly opposed the renewed mandate given the Special Rapporteur on Human Rights in Afghanistan by the United Nations Human Rights Commission. They refused to cooperate with the Special Rapporteur's efforts and declared that they would not be bound by any of his findings. The regime also denounced the efforts of groups such as Amnesty International and Helsinki Watch.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The participation of Afghan women in activities beyond the home and field is severely limited by traditional beliefs, customs, and religious practices. In areas under resistance control, the role of women follows traditional lines. The social position of some women, generally associated with the PDPA, has tended to improve in Kabul and other cities controlled by the regime. Access to education by younger women has increased and women have been placed in a number of nontraditional professions such as radio and television, banking, and the civil service. However, few women hold responsible decisionmaking positions. The vast majority of women under regime control have seen no improvement in their social position or status.

CONDITIONS OF LABOR

Due to the current situation in Afghanistan, information on the conditions of labor is not available.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: AFGHANISTAN

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	0.0	3.4	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	3.4	0.0
A.AID	0.0	3.4	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	3.4	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.0	3.4	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	3.4	0.0
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	6.3	1.7	0.0	449.4
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.3
IDA	0.0	0.0	0.0	226.6
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	95.1
AFDB	0.0	0.0	0.0	0.0
UNDP	6.3	1.7	0.0	91.7
OTHER-UN	0.0	0.0	0.0	35.7
EEC	0.0	0.0	0.0	0.0

ALGERIA

According to its Constitution, Algeria is a Socialist, Islamic state in which ultimate power is vested in a single political party, the Front de Liberation Nationale (FLN). As Secretary General of the party, President of the Republic, and Minister of Defense, Chadli Bendjedid holds the key decisionmaking positions. Nonetheless, most important decisions are taken by consensus involving the military, the Government, and the party elites. These elites are bound together by the common experience of a harsh struggle for independence, obtained from France in 1962. A sense of "revolutionary, anticolonial mission" is basic to their self-perception of what Algeria is and ought to be. This revolutionary consensus is the principal source of popular legitimacy for the Government and the nation.

In January 1986 Algerian voters overwhelmingly approved a referendum on revisions to the National Charter, the country's basic political document, first promulgated in 1976. Though retaining Algeria's Socialist orientation, the revised Charter places increased emphasis on the Islamic roots of the country's political and economic system and calls for greater private sector participation in service and light industries and the achievement of agricultural self-sufficiency. The current 5-year plan (1985-1989) reaffirms the Government's shift in emphasis from heavy industry to development of agriculture, job creation, and the satisfaction of unmet social needs in the fields of housing, education, and health. The major decline in 1986 of government hydrocarbon revenues has adversely affected performance in some of these areas, as has the continued high rate of population growth.

Urban police and the rural-oriented gendarmerie generally adhere to constitutional guarantees against arbitrary arrest and imprisonment. Military security forces, in practice, are given greater leeway to make arrests, and there are charges of abuse and torture. Those making such charges have not, however, been able to document them.

Although the Constitution contains human rights guarantees, civil liberties remain restricted. Political rights, in particular, are circumscribed by the party and the Government which limit the electoral choices and restrict public debate to officially sanctioned forums and issues. A number of prominent human rights activists have been imprisoned and otherwise penalized for their activities. Algerians have the right to possess private property and are generally free to pursue private interests without state interference. Some Berber elements claim to be the object of discriminatory treatment. The Government, however, has sought to reduce tensions with Berbers, who constitute from one-fourth to one-third of the population, by accommodating some of their cultural demands and investing heavily in the development of Berber-dominated areas.

The human rights situation remained essentially unchanged in 1986 except for the Government's forced repatriation in May of between 20,000 to 30,000 drought victims from Niger and Mali who had sought refuge in southern Algeria over the previous 2 years. Although there had been increasing confrontation between the Government and the Berber minority in 1985, there were no overt confrontations in 1986, and a few members of two illegal, predominantly Berber organizations were released after completing their sentences. Others serving longer sentences remain in prison, as do a group of political

oppositionists arrested 2 years ago who are still awaiting trial.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killings.

b. Disappearance

Abductions, secret arrests, and clandestine detention are not condoned nor known to be practiced. There were no accusations of such practices in 1986.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and in 1986 there were no confirmed reports of torture. However, Amnesty International's 1986 Annual Report, covering the year 1985, said it had received reports of torture and other ill-treatment of prisoners.

Persons convicted of civil crimes are sent to provincial civil prisons, while those found guilty of more serious crimes against the State, such as treason or terrorism, or those who have committed crimes which carry the death penalty, such as murder, kidnaping, or rape, are sent to one of three penitentiaries. Conditions in both types of institutions range from primitive to modern; conditions in penitentiaries are reportedly worse than those found in the more numerous civil prisons. In the primary civil prison in Algiers, prisoners are often crowded together, and sanitary arrangements are poor. Better conditions are found in some outlying prisons. Although all prisons have medical facilities, and each prison has a contract with a local doctor who visits the prison regularly to treat ill prisoners, medical care is generally rudimentary. Seriously ill prisoners may be sent to local hospitals. Prisoners in both civil prisons and penitentiaries are fed a bland, starchy diet, and long-term prisoners rely on family support to augment this diet. Families are allowed to visit civil prisons once a week; it is considerably more difficult to visit prisoners held in penitentiaries. At the discretion of local prison authorities, conjugal visits are sometimes permitted in civil prisons.

d. Arbitrary Arrest, Detention, or Exile

The Constitution states that no one may be prosecuted, arrested, or held except as provided by law. It also provides that detention for questioning in criminal investigation cases cannot exceed 48 hours, after which the suspect must be charged or released. The penal code provides for informing detainees immediately of charges against them. Algerian law does not include a bail system. Lawyers are allowed access to their clients at any time. Meetings take place under the visual supervision of a guard.

Despite these constitutional safeguards, military security forces have held suspects up to a month before releasing or charging them. Military security officials are authorized to

investigate not only military offenses but also cases involving internal security and espionage. In cases that involve subversion, they may also investigate civil crimes.

Once charged, an individual may be held under preventive detention while his case is investigated. This detention can last years: as of October 1986, an undetermined number of political oppositionists (perhaps as many as 15) associated with former President Ben Bella remained in prison. They reportedly were arrested for distributing antigovernment tracts 2 years ago and are still awaiting trial.

Persons arrested for the expression of views critical of or different from those of the Government are generally charged with disturbing the public order, associating with illegal organizations, or, in extreme cases, threatening state security. Recent sentences of persons convicted of these crimes range from 1 year to life imprisonment. Amnesty International has noted its concern about cases of prolonged incommunicado detention.

There is no forced labor.

e. Denial of Fair Public Trial

Defendants have free access to counsel, and there is no harassment of defense counsel. As far as is known, defendants are made fully aware of the charges against them at the time they are bound over for trial. Trials are public, although not generally publicized, and defendants have the right to appeal. The judicial system is divided into three parts: civil courts, military courts, and the State Security Court. There are no Islamic courts in Algeria.

The civil courts are generally independent of executive or military control. Military courts deal directly with espionage and with offenses committed by military personnel. The State Security Court at Medea is not in permanent session but has jurisdiction over cases that are deemed "to endanger the national security." At least a ministerial-level decision is required to refer a case to the State Security Court which generally provides procedural protection similar to that of civilian courts. Interested observers are allowed to attend trials held in this court.

In its 1986 Report covering 1985, Amnesty International said it was concerned by reports that confessions presented as evidence in one trial of 40 detainees had been obtained under torture.

All political prisoners arrested prior to February 1979, including former President Ben Bella, have been released since President Bendjedid took office. The Government has continued to encourage additional supporters of Ben Bella to return. Ben Bella himself has remained abroad. Following a letter-writing campaign by Amnesty International, the internationally known human rights lawyer Ali Yahia Abdennour, convicted in December 1985 for helping to found the Algerian Human Rights League earlier in the year, was released in June upon completing an 11-month sentence. Also released in June was Nourredine Ait Hamouda, son of a famous revolutionary war hero who had been convicted along with Ali Yahia for membership in both the Human Rights League and another illegal, predominantly Berber organization, the Sons of Martyrs of the Revolution.

Other defendants in the case who received longer sentences remain in prison.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Membership in political organizations is not required, except for senior government and military officials who must be members of the party. There is an efficient police force responsible for tracking possible sources of dissent, which is believed to use informer systems. Telephone monitoring systems are believed to be used, rarely with prior court authorization.

Inviolability of the home is guaranteed by the Constitution and generally is honored in practice except in cases involving military security. Police may not enter a house without a warrant from the local prosecutor or investigating magistrate, nor may they enter a residence during night hours.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution guarantees freedom of expression, it also states that such freedom may not be used to "undermine the foundations of the Socialist revolution." All print media are published either by the Government or the party, and all journalists are government employees. The distribution of foreign newspapers and magazines is controlled.

Some foreign publications are available in small quantities. However, the French-language weekly Jeune Afrique is proscribed, and the French daily Le Monde is occasionally seized. Radio and television stations are also government controlled. The Government does not permit criticism of its authority, of socialism, or of the one-party system. Criticism of specific domestic programs and policies as well as the performance of government utilities and state enterprises is allowed, including on state-run television and in the weekly organ of the ruling FLN party, Revolution Africaine.

b. Freedom of Peaceful Assembly and Association

All nongovernment associations must be approved by state authorities who have traditionally refused to recognize groups with political, economic, or social views that differ from those of the FLN. There is only one legal political party and one labor union, the General Union of Algerian Workers (UGTA). These and other mass organizations for youth, women, farmers, veterans, and professional groups are all tightly controlled by the party and constitute the primary government-recognized associations. They play key political roles in mobilizing popular support for various government programs and elections and maintain relations with recognized international bodies in their fields, such as the International Labor Organization.

Workers and employers do not have the right to organize independent unions. Strikes are illegal in the public sector, but workers have successfully used strikes and work stoppages, without sanction of the national union, to win more pay and protect benefits. Most labor-management disputes, however, are solved by union representatives and Labor Ministry inspectors meeting with managers. While collective bargaining in the strict Western sense is not practiced, the UGTA does

engage in industry-wide negotiations on behalf of workers under its umbrella.

Although individuals are technically free to assemble, security personnel watch public gatherings closely, and all nonparty associations must receive government recognition to exist legally. Unlike in previous years, no major demonstrations resulting in significant arrests occurred in 1986. However, both the Human Rights League and the Sons of Martyrs groups continue to be refused official recognition.

Some very limited political opposition, such as student demonstrations, is tolerated. Opposition political tracts are sometimes circulated, almost certainly with official knowledge, but persons caught with them may be subject to arrest.

c. Freedom of Religion

Legally an Islamic state, Algeria protects the rights of the very small Christian and Jewish minorities to worship in their churches and synagogues. There is little evidence of individual prejudice. Proselytizing is not permitted. The Christian clergy directs its activities to the non-Muslim non-Algerian community.

The Islamic clergy is government trained. Friday sermons are not formally censored, but government monitoring constrains the clergy's freedom of expression. Religious travel such as the pilgrimage to Mecca is government organized. Fundamentalists responsible for an August 1985 attack on a police academy outside Algiers remained at large at the end of 1986. The fundamentalist Muslim Brotherhood is banned, and its members are reportedly subject to police harassment. This group is rooted in a centuries-old tradition of North African mysticism and has been used as a vehicle for propagating fundamentalist ideas such as the creation of an Islamic state in Algeria that would subordinate secular authority to that of religious leaders.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom to travel within Algeria and abroad and to emigrate is guaranteed by law and generally is respected in practice. One of the first acts of the Bendjedid Government was to remove the exit visa requirement. However, the human rights lawyer, Ali Yahia Abdennour, was prevented by authorities from leaving Algeria after his release from prison in June when his passport was taken from him at the airport as he was attempting to leave Algeria to attend a human rights meeting in Paris. Government permission is necessary to travel to Morocco. Men who are 19 years or older must have proof of completion of mandatory 2-year military service, and employees of state organizations who are paying back educational scholarships through work must have valid leave papers to exit the country. Passports may sometimes take months to acquire, although this situation is improving. The amount of hard currency which Algerians may carry abroad (the equivalent of $200 every other year) remains the primary limitation on foreign travel.

Except for foreign diplomats, who must apply for permission to travel farther than 50 kilometers from Algiers, travel within Algeria is generally unrestricted, except in areas designated as "military zones." Visitors must register with the police if they are staying overnight in a locality. Gendarmerie

checkpoints in the countryside routinely inspect vehicle registrations and, occasionally, search vehicles. The 50-kilometer limit for diplomats is not strictly enforced, and permission to travel farther is quickly granted upon application.

The Constitution provides for the right of political asylum. It is estimated that more than 100,000 refugees from the Western Sahara live in camps in southwestern Algeria. They are largely supported by the Government and, to a much lesser extent, by the United Nations High Commissioner for Refugees. In May the Government moved to expel an estimated 20,000 to 30,000 Sahelian drought victims from Niger and Mali who had taken refuge in southern Algeria in recent years, and who the Government claimed had failed to register in one of the four established refugee camps near Tamanrasset or who had drifted away from these camps. These expulsions reportedly took place under difficult conditions, and there were reports at the time that perhaps as many as 30 refugees died of thirst or starvation while attempting to make their way back to Algeria. According to various sources, about 15,000 duly registered drought victims remain in the camps and continue to be supported by the Government.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Major political decisions are made by the top leadership of the party, Government, and military, all three headed by President Bendjedid. The political process is confined to the single party, which significantly limits deviation from the path prescribed by ruling authorities. Basic policy decisions are not strictly questioned, but popular grievances are aired within the party organization. Some diversity of views is also evident in the National Popular Assembly, the provincial and local councils, and the government-controlled press. The National Assembly, in particular, has asserted itself recently and managed to modify key aspects of important pieces of government-sponsored legislation during its 1986 sessions.

There is universal adult suffrage. All candidates for public office are nominated by the party, but voters usually have a choice among two or more candidates.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Algerian Government does not readily discuss its human rights problems with outside governmental or nongovernmental organizations. The Algerian Human Rights League, which attempted to establish itself as an independent human rights organization in 1985, still has not received government approval and, as noted above, some of its members have been imprisoned. There were no visits to Algeria by any international human rights organizations during 1986. Algeria participates in U.N. and regional human rights forums.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

It does not appear that minority groups are treated unfairly in terms of their access to jobs, housing, education, and health care. The Government's difficulties in meeting these social needs are mostly linked to the country's extremely

rapid population growth, and minorities seem to fare no better or worse than the Arab majority under these circumstances. The Government has given extra attention to building houses, schools, and municipal infrastructure in Berber regions, and the rate of school attendance among Berbers is higher than in most other parts of the country. Nevertheless, Berber particularism remains strong and is fueled mostly by Berbers' desire to preserve their distinctive cultural identity and language in the face of the Government's emphasis on the development of Algeria's Arab identity. Berber spokesmen assert that the Government seeks to repress the distinct Berber culture.

Women generally enjoy equality under the law, but there are exceptions. For example, the 1984 family code permits male polygamy, makes it more difficult for a woman than a man to obtain a divorce, and awards only 4 months of alimony to the woman in the event of divorce, regardless of the husband's means and the circumstances under which the divorce was obtained. Both culture and tradition make it difficult for women to follow an independent path; a woman remains throughout her life under the legal "tutelage" of a man, regardless of her age or civil status. About 250,000 Algerian women work outside the home, and an increasing number are trained and employed in the more liberal professions. Ten women are delegates in the National Popular Assembly, two are members of the party's Central Committee, one is a state minister, and women serve in the armed forces. However, working women represent less than 3 percent of the female population and less than 8 percent of the labor force.

The literacy rate in Arabic or French (or both) among males over the age of 9 is 65 percent and only 40 percent for females in the same category. However, an effort has been made to close the gap separating women from men in education. According to government statistics, 72 percent of all school-age girls were enrolled in 1985. Algeria also has launched a nationwide program encouraging "birth spacing" as a means of safeguarding a mother's health, improving infant care, and reducing the high population growth rate. The program provides free access to contraceptives and counseling on a voluntary basis. Abortion is illegal.

CONDITIONS OF LABOR

Algeria's 1978 General Workers' Statute provides for a normal workweek not to exceed 44 hours, a full 24-hour rest period, and a minimum wage. It prohibits employment of persons under 16 years of age. The Statute also sets out minimum worker safety standards and standardizes pay according to the work performed. Although the law has not yet been fully implemented in all economic sectors, most of its provisions are respected.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ALGERIA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	0.0	0.3	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.3	0.0
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.3	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.3	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.3	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.3	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.1	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.1	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.1	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.0	0.4	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.4	0.0
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	418.6	262.8	75.0	2089.9
IBRD	418.0	262.0	0.0	1881.0
IFC	0.0	0.0	0.0	0.0
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	13.4
UNDP	0.2	0.7	0.0	57.1
OTHER-UN	0.4	0.1	0.0	8.1
EEC	0.0	0.0	75.0	130.3

BAHRAIN

The extended family of the Al Khalifa has ruled the State of Bahrain since the late 18th century and dominates Bahrain's society and government. The Constitution confirms the Amir as hereditary ruler. The Amir has suspended some provisions of Bahrain's 1973 Constitution, including those articles related to the National Assembly which the Government disbanded in 1975. In practice, there are few judicial checks on the authorities.

Bahrain's leadership seeks to foster the open social and Commercial environment needed to attract international business, while protecting the ruling family's preeminence, preventing sectarian violence, and thwarting externally inspired subversion. Bahrainis are divided between Shi'a and Sunni Muslim communities. Unofficial estimates indicate that over two-thirds of the population are Shi'a. The ruling family is Sunni, and the Sunni community tends to be wealthier and more influential than the Shi'a, although there are conspicuous exceptions. While extreme poverty is rare, and the Government makes great efforts to assure full employment, the Shi'a as a group are disadvantaged, a situation which adds to the potential for externally inspired subversion. Two clandestine political groups with links to Iran have drawn support from some Shi'a, and two underground, secular leftist groups advocate violent political change.

The human rights situation was essentially unchanged in 1986. Political activity remained strictly controlled, as in the past, and arrests for antiregime political activities occurred.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for Integrity of the Person, Including Freedom from:

a. Political Killing

There were no known political killings.

b. Disappearance

There were no known disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Although government policy prohibits torture, and there were no reports of torture, there is evidence that persons suspected of security offenses sometimes suffer physical abuse during arrest and interrogation. It is not known what happens during detention in security prisons (where questioning may continue after sentencing) since visits by nongovernment persons are prohibited. Medical examinations by nonprison doctors have also been denied. There is no evidence of a policy of systematic physical mistreatment of criminal offenders.

d. Arbitrary Arrest, Detention, or Exile

Political activity is severely controlled by the security forces, and individuals are sometimes detained arbitrarily on suspicion of antiregime political activity. Activities that could lead to arrest or questioning include membership in subversive, illegal organizations, painting antiregime slogans on walls, joining antiregime demonstrations, possessing or

circulating antiregime writings, preaching sermons with an antiregime tone, or harboring persons committing such acts.

Reliable estimates indicate that 50 to 100 persons are now being held for antiregime political activity. Detainees are sometimes held incommunicado for lengthy periods, although family members can usually learn of a detainee's whereabouts.

The Government prohibits the use of forced or compulsory labor.

e. Denial of Fair Public Trial

A person arrested may be tried in either a civil court or the Security Court. Civil trials provide procedural guarantees, including open trial, the right to counsel (including legal aid for indigents), and the right of appeal. Security cases, however, are tried directly by the Supreme Court of Appeal sitting as the Security Court. Trials are held in secret, there is no right to judicial review of the legality of arrests, and the Court is exempted from adhering to the procedural guarantees of the penal code. Sentences imposed by the Security Court can, at the discretion of the Court, be referred to the Amir for clemency, a procedure not customarily allowed in civil court cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Interior Ministry can authorize entry into private premises without judicial authorization. Telephone calls are subject to monitoring and the police sometimes open mail. Police informer networks exist.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution guarantees the right "to express and propagate opinions", but in practice Bahrainis cannot freely challenge the legitimacy of the regime in speech or writing. Criticism of government policies and programs in such areas as municipal services and education is tolerated and commonly seen in the press.

The Information Ministry exercises wide powers over the local media and the press generally follows official policy closely. In the past, minor deviations have brought closure of the offending newspapers. There have been no closures since 1980, primarily because editors fully understand the limits of government tolerance. In 1986 the Government expelled the Reuters bureau chief as a result of an article that displeased it. The State owns all radio and television stations. All newspapers are privately owned but subject to government censorship. A former Information Ministry official serves as the editor of the only Arabic daily paper, which is regarded as semiofficial.

b. Freedom of Peaceful Assembly and Association

Public political demonstrations are prohibited in Bahrain.

Bahrain's Constitution affirms the right of free assembly. A number of professional organizations exist, including groups of lawyers, physicians, engineers, and businessmen. The large number of social and sports clubs have traditionally served as

forums for discreet political discussion. The Government monitors the activities of these organizations, which are generally small and limited in scope.

The Constitution recognizes a limited right of workers to organize. While trade unions are illegal, the Government has encouraged the formation of elected workers' committees in major companies. Worker representatives are empowered to discuss wages and working conditions with management, but not to engage in collective bargaining, and there is no right to strike. These committees now represent some 10 percent of the work force. The workers' committees choose members of a national committee. This body represents Bahrain in international labor organizations. Expatriate workers, about 60 percent of the work force, are denied these limited trade union rights.

c. Freedom of Religion

The native population is overwhelmingly Muslim and Islam is the state religion, but expatriate Christians maintain places of worship and enjoy considerable freedom to practice their religion. Christian publications are readily available in bookstores, but proselytizing is not permitted.

Although there are notable exceptions, Sunni Muslims tend to enjoy a more favored status than Shi'a among Bahrainis. Sunnis are given preference for employment in the Government. Shi'a religious assemblies are subject to government control and monitoring, but there is no interference with routine Shi'a worship or religious activities. Public religious events, most notably marches by members of the Shi'a community, are permitted but are watched closely by the police.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Bahrainis are free to move within the country and change their place of residence or work. There are restrictions on the number of Bahrainis permitted to make pilgrimages to Shi'a holy sites in Iran. Refugees are not repatriated to countries they have fled, but are obliged to depart Bahrain immediately. Passports can be denied on political grounds. Some persons living abroad and suspected of political offenses may face imprisonment without public trial upon return to Bahrain.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Bahrain is ruled by the Al Khalifa family, headed by the Amir. Government positions are not elective. The average Bahraini influences government decisions only through the submission of written petitions, informal contact with senior officials, and attendance at the Amir's public audiences. No political parties are permitted.

There are four clandestine political groups that advocate violent revolution. The Islamic Front for the Liberation of Bahrain, the group responsible for the 1981 coup attempt, and the Islamic Call Party have ties to Iran and attract Shi'a support. Both advocate the establishment of an Islamic republic. Two underground leftist groups, the Popular Front for the Liberation of Bahrain and the National Front for the Liberation of Bahrain, have ties with radical Arab regimes and the Soviet Union.

BAHRAIN

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No private human rights group is known to have visited Bahrain in 1986. The last indication of the Government's attitude toward such investigations was in 1982, when Amnesty International sent a team to observe the trial of those accused of plotting the violent overthrow of the regime. The team met with government officials and defense counsel, but was not allowed to attend the closed trial. There are no nongovernmental organizations established in Bahrain to protect individual liberties.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Bahrain's Shi'a, as a group, suffer from economic discrimination. Statistics are unavailable, but Shi'a tend to be employed in lower-paid, lesser-skilled jobs than Sunni workers. Social and municipal services in Shi'a neighborhoods, particularly the villages, are markedly inferior to those found in Sunni communities.

Many legal rights of concern to women are subject to Islamic law. Women have rights to their own property, but daughters receive less inheritance than sons, and a widow must share her husband's estate with her own children. Although a wife may divorce, she must specify grounds. Women must obtain the permission of the male head of the household to obtain a passport. With the development of the Bahraini economy, women have increasingly taken on jobs previously reserved for men. They constitute about 18 percent of the Bahraini work force. The Government has encouraged the trend toward equality, has enacted special laws to promote female entry into the work force, and is itself a leading employer of women. Most of these positions are clerical, but women hold some senior positions. The labor law grants women 60 days of paid maternity leave, and nursing periods during the working day. The status of women is a continuing subject of debate. Many women subscribe to traditional interpretations of Islam and voluntarily adopt socially conservative roles.

CONDITIONS OF LABOR

Bahrain's labor law provides for acceptable conditions of work for all adult workers, including adequate standards regarding minimum wages, hours of work, and occupational safety and health. In practice, however, expatriate workers, who account for about 60 percent of the work force, are seriously disadvantaged by the requirement that all foreign workers must be sponsored in order to work. Under this system, sponsors can cancel the residence permit of any person under their sponsorship and blacklist individuals so that they cannot obtain entry or residence visas from another sponsor. Such power contains the inherent potential for exploitation and foreign workers are often unwilling to report abuses for fear of forced repatriation. Bahrain's labor law does not recognize the concept of equal pay for equal work. Asian workers are often paid less than Bahrainis or Westerners with the same qualifications, and women are generally paid less than men. The minimum age for employment in Bahrain is 14 years. Juveniles betweeen the ages of 14 and 16 receive special protection under the labor laws. They may not be employed in hazardous conditions or at night, and may not work over 6 hours a day or on a piecework basis.

BANGLADESH

Bangladesh underwent a transition from a Martial Law Administration (MLA) to civilian rule in 1986. The Chief Martial Law Administrator and President, H.M. Ershad, had taken power in a bloodless coup in March 1982 and had ruled under martial law from that time. Under Ershad's guidance, a series of steps was taken leading up to the return of civilian rule; these included Bangladesh's first parliamentary elections in 7 years in May 1986, the surrender by military courts of their civil jurisdiction, the return of regional martial law administrators to the barracks, the lifting of most restrictions on political activity, and, in October, the election of Ershad to a 5-year term as civilian President. Earlier, Ershad had given up his post as Chief of Army Staff and retired from the army. On November 10 Ershad officially lifted martial law.

During the last year of martial law, the Martial Law Administration (MLA) continued to be restrained in its application of theoretically unchecked powers. The regime became less heavy-handed as the leadership became less preoccupied with its initial objective of eradicating corruption and more concerned with the normal chores of governing, such as encouraging economic development, implementing administrative decentralization and reform, and attracting civilian political support.

The trend toward political liberalization, interrupted in March 1985 with the banning of political and trade union activity, was resumed in October 1985 with the relaxation of the ban and its elimination on January 1, 1986. In May 1986, several opposition parties campaigned actively in the parliamentary elections. The campaign was marred by the deaths of at least 20 people nationwide. However, although opposition parties and independents won 122 of the 300 directly elected seats, the major opposition parties charged gross irregularities in the conduct of the elections and of subsequent by-elections in August, in which the government party swept all 8 seats. In October the major opposition parties chose not to participate in the presidential poll, which was won by incumbent President Ershad, who overwhelmed a field of 11 independents.

Bangladesh remains one of the poorest and most densely populated countries in the world. An estimated 70 percent of Bangladeshis subsist below an absolute poverty level, and the population is increasing by 2.6 percent a year. Agriculture accounts for half of the gross domestic product and about 74 percent of employment. The Government's avowed priority has been economic development. Its key programs have been aimed at increased agricultural yields, reduced population growth, decentralization of administration, and development of the private sector. Although an important Government goal in implementing its policies has been the eradication of corruption and inefficiency, reports persist of widespread corruption at all levels of the Government.

In 1986 there continued to be instances of press restrictions as well as cases of arbitrary arrest and detention. Reports of violence against ethnic communities in the more remote areas of the country increased during the year.

BANGLADESH

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

A small, simmering insurgent movement bred of social disruption and economic decline continued in the Chittagong Hill Tracts, where some 600,000 tribal people live. Sporadic clashes reportedly took place between government forces and small groups of armed tribal insurgents, the Shanti Bahini (Peace Force). Although some observers allege that the frequency of confrontations and the number of deaths are increasing, no reliable statistics are available. The Shanti Bahini launched an offensive in May, killing armed forces personnel and civilian settlers in a series of apparently coordinated attacks. In retaliation, the military, accompanied by settlers, attacked tribal villages. An Amnesty International report of September 1986 provided first-hand accounts of the violence and death which occurred during May and accused the Government of sanctioning unlawful killings. Despite an amnesty for all insurgents proclaimed in October 1983 and again in May 1986 for a brief period, the area was off-limits to foreigners, and contact between tribal people and foreigners was actively discouraged by the Government. The tribal leaders continued to demand the preservation of their autonomous culture and an end to Bengali settlement in the Chittagong Hill Tracts.

In the country at large, killing for directly political motives remains uncommon, although violence between factions, gangs, and economic adversaries sometimes assumes political coloration.

b. Disappearance

There were no confirmed reports of disappearance resulting from official actions.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were reports of torture of some political prisoners, as well as criminal suspects. A June 1986 Amnesty International (AI) report on torture in Bangladesh cited allegations that the Directorate General for (Armed) Forces Intelligence tortured some political prisoners held for short periods of interrogation. Many of the prisoners who were reportedly tortured were student activists. AI asked the Government to undertake impartial and independent investigations into allegations of torture and to file criminal proceedings against law enforcement personnel when justified. According to AI, no such investigations were made. Articles of the 1972 Bangladesh Constitution specifically prohibiting torture were in suspense from 1982 when martial law was declared until the recent lifting of martial law.

Although police treatment of accused criminals is often rough and can include abusive interrogations and beatings, reports of fatalities from such mistreatment are rare. According to one report, however, a 17-year old student died in a hospital, where he had been transferred from police custody, from a brain hemorrhage caused by a blow to the back of his head. There were also reports that landless workers and activists

promoting landless workers' rights have been ill-treated or tortured while in police custody. Punishment of police and jail officials involved in mistreating prisoners sometimes takes place in cases where the victim or his friends and family can attract publicity, but mistreatment of ordinary citizens often goes unpunished.

The year saw an increase in reports of torture of tribal villagers by security personnel. Allegations ranged from harassment and extortion to rape and murder. These reports came from human rights groups which believe that the Government should protect the rights of tribal people, particularly property rights, against settlers from other parts of the country.

Conditions in Bangladesh's overcrowded jails reflect the country's extremely poor living conditions. Amnesty International reported that cells for prisoners in the Dhaka cantonment had neither light nor furniture. The grill door to many cells was covered by a wooden board, increasing the sense of the prisoner's isolation. In the larger prisons, prominent persons and political prisoners are held in conditions which are markedly better than those afforded to ordinary criminals, as is customary in South Asia. Prospects for the implementation of prison reforms remain slight.

d. Arbitrary Arrest, Detention, or Exile

Under long-time provisions of the law, reaffirmed by the Special Powers Act of 1974, persons can be detained without charge for 24 hours, held with the consent of a magistrate for 30 days, and held with government approval for an indefinite time. Although these powers provide broad flexibility, the Act was reportedly disregarded entirely for some persons held in the custody of military personnel during the martial law period. For others in custody, the Act was breached by the failure to comply with time limits or to produce a prisoner before a magistrate. Prior to the May parliamentary elections, the Special Powers Act was invoked against several prominent opposition leaders who threatened to disrupt the elections with demonstrations. In general, whenever participation in demonstrations or other political activity prompted the MLA summarily to detain individuals, the authorities sought to notify families expeditiously of the detained and arrested persons' whereabouts. Such demonstrators and activists were seldom held for long periods. Observers estimated that fewer than 100 people were detained for other than common law offenses.

In what could have been a significant development, the Government began honoring writs of habeas corpus, even before martial law was lifted. However, some prisoners released as a result reportedly were arrested again within 24 hours. Bangladeshi legal and human rights organizations reported cases of suspects arrested on minor charges who remained in jail for long periods without trial.

There was no report of forced labor.

e. Denial of Fair Public Trial

The MLA suspended martial law courts prior to the May parliamentary elections. Since then, civil and criminal cases have been heard by civilian courts in public trials in which the right to counsel is respected. Civil courts are

overburdened and available only to those who can afford representation but are generally considered fair. Processing cases can be both time-consuming and expensive, working a hardship on the vast majority of litigants and discouraging many from seeking redress through the courts. There are few legal aid programs to assist indigents.

To accomplish the goal of speedy justice and relieve court dockets of a reported backlog of some 60,000 cases, the MLA had required that cases be concluded within 6 months. The result was that new cases came to trial and were decided in a timely fashion, while older cases were postponed.

The MLA dispersed magistrate courts to the newly established Upazilla (subdistrict) level of government and decentralized the administration of high court appellate benches. Many considered court decentralization an important step in bringing judicial relief to the majority of the population living outside the capital city.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Bangladesh authorities do not normally engage in arbitrary invasion of the home, although MLA officials are known to have entered the homes of opposition leaders, detained individuals, and searched their premises without warrants. The law requires a judicial warrant before authorities enter a home, and courts require evidence supporting a reasonable basis of suspicion before issuing a warrant. Wiretaps are believed to be used selectively, as is the monitoring of private correspondence. The Government maintains civilian and military intelligence services which concern themselves, in part, with domestic events. Although not pervasive, the influence and capability of these services is thought to be growing.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government owns and operates all radio and television facilities. In 1986 Bangladesh television and radio focused heavily on the activities of government leaders and virtually neglected the opposition. In the print media, the Government controls one of Dhaka's four English-language daily newspapers, a Bengali-language daily in Dhaka, and a Bengali-language weekly through a national press trust. The Government owns the major Bangladesh News Agency (BSS) as well as a daily newspaper in Rajshahi. Three of the Dhaka English dailies and most of the many Bengali-language periodicals and newspapers, however, are privately owned; some are supported by political parties and reflect various political views. Major newspapers report on both the Government and opposition, although coverage of opposition political activities is usually somewhat less extensive than that of official activities. The Bangladesh news media, including the BSS, did not repeat any open or implied criticism of either the President or the armed forces. Explicit criticism of any foreign country (unless made by the Government) or criticism of any authoritarian order was also avoided. The Government denied the application of a biweekly to publish more frequently, reportedly because the publisher refused to print progovernment stories.

In 1986 the MLA exercised its authority to ban foreign and domestic publications. Three Bengali-language magazines,

Ekota, Amader Kotha, and Sangbadik were closed. They joined the popular weekly Jai Jai Din (closed in 1985, reopened and closed again in 1986), Ittehad (closed in 1984), and Jooi Jatra (also closed in 1984). None of the three closed in 1986 was allowed to reopen. Reprints of an article from the London Observer critical of President Ershad were confiscated by the Government. Distribution of selected editions of other papers was also banned.

Five journalists, including the president of the Weekly Newspaper Journalists Union, were released by the MLA in June 1986. The MLA also detained journalists for writing articles critical of martial law (an offense under martial law regulations), but eventually released all of them. No journalists were known to have been imprisoned in 1986.

A ban on political activity at all universities was lifted in 1985, and many students were vocal in their criticism of the MLA. Taking advantage of the relative freedom enjoyed on the Dhaka University campus, opposition parties attacked the Government through their student fronts. Students were free to express a wide range of political opinion through campus organizations and their publications.

b. Freedom of Peaceful Assembly and Association

By the beginning of 1986 all martial law restrictions on political activities were removed, paving the way for a new round of elections later in the year. Subsequently, the Government allowed the major opposition parties to campaign openly or protest peacefully. A ban on antielection activities was imposed prior to the May 1986 parliamentary elections and the October presidential election. Restrictions were placed at times on public assemblies. These restrictions have since been lifted.

A ban on trade union activity instituted in March 1985 was lifted on January 1, 1986. The Bangladesh labor movement held an open election for federation officers of the Bangladesh Free Trade Unions Congress (BFTUC) in March. Delegates freely elected the winners by secret ballot. Throughout the campaign for the May parliamentary elections, the Government allowed union activity, which included numerous local labor actions. A call for a general strike by a coalition of 14 trade union federations in support of the program of the main alliance of opposition political parties was called off because of a lack of rank-and-file support. Labor activity increased throughout the year, but the general strike was employed less frequently than in 1985.

Workers in Bangladesh generally enjoy the right to associate freely, to organize, and to bargain collectively. Because of a low level of industrialization, labor unions represent no more than 5 percent of the work force. Although only a small portion of the work force is unionized, unions are powerful and important in certain key sectors such as jute, tea, and transportation. Unions are heavily involved in politics; of 17 trade union federations, only 1 claims no political affiliation. Most unions are urban-based and serve as fronts for political parties. Bangladesh's progressive labor law is often ignored by both management and labor.

Unions are free to draw up their own constitutions and rules, elect officers, and formulate programs. There are no restrictions on joining confederations and affiliating with

international organizations. Individuals need government clearance to travel to international labor conferences and attend programs sponsored by foreign labor institutions; such clearances are routinely granted. Under a provision of Bangladesh's labor law, the Government can suspend or dissolve individual unions. In theory, Bangladeshi workers enjoy participatory rights in all union business; in practice, these rights are often violated by both employers and union leaders. In theory, unions and their members are fully protected against antiunion discrimination; in practice, employers regularly fire workers for union activities and harass union activists and leaders.

Antiunion discrimination is especially prevalent in the garment industry, where most of the workers are young women.

Following labor agitation and violence against firms and personnel in the Export Processing Zone in Chittagong, the Government banned union activity in an effort to enhance its attractiveness to foreign investors. Employers, through connections in the Government and the military, often succeed in having legal actions that unions file against them forgotten or quashed.

c. Freedom of Religion

Predominantly Muslim, Bangladesh continues to permit conversion from one religion to another. Prosyletizing by Bangladeshi citizens is allowed under Article 41 of the Constitution, subject to law, public order, and morality. Proselytization is largely directed toward minority groups such as Hindus and tribal peoples. There is strong social resistance to efforts to convert persons from Islam. Certain Islamic organizations continue to voice concern over Christian missionary activities and the conversion of Muslims to Christianity. Some Christian missionaries face delays in renewing their visas and are concerned that the Government might make it difficult for them to stay in the country.

The Government has continued to pledge equality of treatment and freedom of worship to Hindu, Buddhist, and Christian minorities, who constitute approximately 13 percent of the population. Although this policy is substantially respected, the numerical predominance of Muslims and South Asia's history of communal violence and discrimination contribute to minority concern.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Bangladesh citizens are free to move within the country, except within designated "red areas" in the Chittagong Hill Tracts. There are also areas near the borders from which all nonresidents are banned. Bangladeshis are generally free to visit and emigrate abroad, subject to foreign exchange controls. In some instances, persons deemed to be security risks are not allowed to travel abroad. Civil servants must obtain "no-objection certificates" from the ministry in which they are employed before traveling abroad, and citizens going overseas to work must register with the ministry responsible for manpower export. The right of repatriation is observed.

Approximately 250,000 non-Bengali Muslim Biharis, or "stranded Pakistanis," remain in Bangladesh pending resettlement in Pakistan. After independence in 1971, these non-Bengalis opted

for Pakistani citizenship. Pakistan agreed to take them back provided financing for resettlement costs was made available from outside sources. A Saudi-based Islamic social organization continues its efforts to raise money for these resettlement costs. Camp dwellers may seek employment and conduct other activities but face disadvantages as noncitizens. Some Biharis have lost property as a result of laws confiscating Pakistani holdings, but those Biharis who chose to become Bangladeshi citizens in 1971 are entitled to full rights of citizenship. Biharis may still apply for Bangladeshi citizenship at any time.

The United Nations High Commissioner for Refugees (UNHCR) reported that seven Iranians and one Afghan were arrested in Bangladesh with false entry papers. Considered security risks by the Government, the refugees were imprisoned for 6 months until released on bail by the UNHCR. The Iranians, several of whom were accepted for resettlement, faced legal charges. The Afghan remained in prison and was not allowed to receive visitors.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government.

Bangladesh held its first parliamentary elections in 7 years on May 7, 1986. An alliance of opposition parties contested the elections against candidates associated with the party formed by the President. A second alliance of opposition parties chose to boycott the polls, claiming they could not be free and fair unless martial law were lifted and other conditions met. The progovernment party won 178 out of the 300 directly elected seats, and opposition parties and independents won 122. Despite this record showing by the opposition, opposition party leaders cited incidents of fraud and intimidation. Opposition winners were sworn in as members of Parliament in July but declined to take their seats in protest against the continuation of martial law and the conduct of the May elections. By-elections were held in August for eight parliamentary seats; candidates from the same major opposition alliance which participated in the May elections again took part. The progovernment party swept all eight seats, in most cases winning by lopsided margins. No major opposition party participated in the October presidential poll. With the lifting of martial law, the opposition parties have announced their intention to take the seats to which they were elected.

President Ershad played a major part in the moves to restore constitutional government under his own civilian leadership. In August he gave up his post as Chief of Army Staff and retired from the army. He then joined the progovernment party and became its chairman in preparation for his candidacy in the October 15 presidential election. Contesting as a civilian, Ershad received approximately 85 percent of the vote. Opposition political figures and members of the foreign press corps contended that the 55 percent turnout claimed by the Government was greatly inflated and that the Government had used fraudulent means on a wide scale. On November 10, President Ershad signed a proclamation withdrawing martial law. Earlier that day, Parliament passed a constitutional amendment ratifying as law acts promulgated by the MLA and giving immunity from prosecution to the martial law authorities.

Since independence in 1972, members of Bangladesh's elite have periodically endeavored to establish a democratic form of

government by framing a constitution and experimenting with parliamentary and presidential systems. Nonetheless, Bangladesh has spent 9 of its 15 years since it gained its independence from Pakistan under martial law, which has contributed to the fragility of its institutions. This in turn has fostered a belief among the military that it is the only national institution able to bear responsibility for national affairs.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several international nongovernmental human rights organizations, including Amnesty International, the International League for Human Rights, the Law Association for Asia and the Western Pacific (LAWAASPA), and the International Commission of Jurists continue to be represented in Bangladesh. The Government has not obstructed independent outside investigations of alleged human rights violations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Underlying attitudes and social barriers circumscribing the participation of women in activities beyond the home are strongly entrenched and show few signs of weakening. For the approximately 86 percent of Bangladeshi women who live in rural areas, early marriage, high child-bearing rates, and long hours of household labor leave little opportunity for nonfamily interests or outside employment. Even in urban areas and among the affluent, the traditional social system makes women economically dependent on their husbands or other male relatives.

By custom and by Islamic tradition, women occupy a subordinate place and receive unequal treatment before the law on a widespread basis. The ability of a family to seclude its women is a symbol of middle or high social status. Women are virtually absent from the cash work force, except in the export-oriented garment industry. Their wages lag behind those of men, even for the same work.

The daily press testifies to a pattern of domestic violence (murder, rape, torture), breach of matrimonial contract, denial of inheritance rights, and desertion which victimizes women and which is particularly acute among the poor. The rate of suicide among women is reportedly almost three times higher than among men. The Government promulgated a stringent ordinance in 1983 to deter such cruelties to women as murder, kidnaping, abduction, and trafficking in women. The number of reported cases of acid-throwing against women, a crime which leaves its victims dead or badly scarred, declined during the past year. The penalty for acid-throwing is death. The death penalty is also imposed against those directly responsible for "dowry killing" or for killing a woman in the course of a rape. "Dowry killings" usually share a common theme: the bride's family has not made full payment of a supposedly promised dowry, so the husband or his family attacks and sometimes murders the bride. There is generally little recourse for abused women, especially for crimes within the family or home.

Members of minority religious groups are disadvantaged in practice, although not in law, in their access to government

positions and political office. Members of some minorities, principally Hindus, have lost or have had serious difficulty retaining their properties as a result of prejudicial administration of vested property laws which provide that property belonging to persons who left Bangladesh between 1965 and 1971 should be managed by the Government. The Government is authorized to use and sell this property, which it has sometimes done to the disadvantage of the former owner.

Reports also persist that the property rights of tribal peoples are being violated. Tribal land, for which there is frequently no deed, is said to have been parceled out by Bangladesh authorities to Bengali Muslim settlers. Over the past decade, successive governments settled close to 300,000 ethnic Bengalis in the Chittagong Hill Tracts. Tribal people also face the loss of land through failure to meet mortgage payments, false deeds, and physical attacks. In areas where the tribal insurgency is active, the army can take land without compensation. Dhaka-based legal aid organizations have been offering representation to a limited number of tribal people illegally removed from their lands.

CONDITIONS OF LABOR

Bangladesh's labor law stipulates minimum ages for various types of employment; in industries where unions are strong these minimums are enforced, but the poverty of the country is such that children are regularly engaged in any line of work they can get, especially fieldwork. In general, regulations regarding minimum wages, hours of work, and occupational safety and health are not strictly enforced.

Child labor increased in 1986. As estimated by the Bangladesh Bureau of Statistics, the number of child laborers was 3 million, compared to 2.5 million in 1981. Of the manual laborers in the markets of Dhaka, 70 percent of those surveyed were between the ages of 7 and 15. Children pedaled cycle-rickshaws, worked as helpers in transport services, carried loads at railway stations and river terminals, and worked at construction sites.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BANGLADESH

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	193.2	205.3	71.5
LOANS.....	81.0	94.5	0.0
GRANTS.....	112.2	110.8	71.5
A.AID	77.0	75.6	71.5
LOANS.....	13.0	0.0	0.0
GRANTS.....	64.0	75.6	71.5
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	116.2	129.7	0.0
LOANS.....	68.0	94.5	0.0
GRANTS.....	48.2	35.2	0.0
TITLE I-TOTAL.....	68.0	94.5	0.0
REPAY. IN $-LOANS.....	68.0	94.5	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	48.2	35.2	0.0
E.RELIEF.EC.DEV & WFP.	30.8	16.2	0.0
VOL.RELIEF AGENCY.....	17.4	19.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.3	0.3	0.3
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.3	0.3	0.3
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.3	0.3	0.3
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	193.5	205.6	71.8
LOANS.....	81.0	94.5	0.0
GRANTS.....	112.5	111.1	71.8
OTHER US LOANS.....	14.7	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	14.7	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	779.5	468.8	636.6	5949.9
IBRD	0.0	0.0	0.0	54.9
IFC	0.0	4.0	0.3	13.0
IDA	393.1	266.0	463.0	3670.7
IDB	0.0	0.0	0.0	0.0
ADB	377.5	179.8	173.3	1929.0
AFDB	0.0	0.0	0.0	0.0
UNDP	8.9	19.0	0.0	133.1
OTHER-UN	0.0	0.0	0.0	149.2
EEC	0.0	0.0	0.0	0.0

BHUTAN*

Bhutan has been ruled by the Wangchuck dynasty of hereditary monarchs since 1907. Isolated in the Himalayas between India and Tibet, the people of Bhutan have been able to escape domination by any external power since the 10th century. It was not until the rule (1952-72) of King Jigme Dorji Wangchuck that a Bhutanese ruler took steps to move the Kingdom from centuries of medieval seclusion toward a more representative political system and a better integrated, more productive economy. Although he retained strong executive powers, the King created several important institutions such as the National Assembly (1953), the Royal Advisory Council (1965), and the Council of Ministers (1968) to provide broader participation in the Government. Serfdom was abolished, land reform introduced, codification of laws begun, and the judiciary separated from the executive.

The present monarch, Jigme Singye Wangchuck, has continued Bhutan's social and political evolution, although progress has been seriously handicapped by the Kingdom's limited administrative capacity and resources.

Bhutan remains the poorest country in South Asia and one of the most traditional and least developed countries in the world. The vast majority of the population is illiterate and rural, following subsistence agriculture and pastoralism in a largely barter economy.

The human rights situation in Bhutan is changing very slowly. Most observers agree, however, that it suffers few of the problems of disaffection and repression that afflict many Third World countries undergoing more rapid change.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no known political killings.

b. Disappearance

There were no known disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There is no evidence of cruel, inhuman, or degrading treatment or punishment. Serious crimes are still rare, although there has been a trend toward more criminal activity in recent years with the growth of a foreign labor force in the country, widening economic disparities, and greater contact with outside cultural values. Punishments for most crimes range from fines to imprisonment. Prison sentences range from a few months for

*Bhutan and the United States do not maintain formal diplomatic relations, and U.S. officials rarely travel there. Tourism is still in its infancy in the Kingdom, and few scholars have published studies on the Bhutanese polity or society. Information on Bhutanese practices which bear on human rights is, therefore, neither readily available nor complete.

manslaughter to life for first-degree murder, with little chance for remission. Mutilation was outlawed in 1965.

d. Arbitrary Arrest, Detention, or Exile

There is no special or preventive detention, and arrests can be made only under legal authority. As far as is known, neither exile nor forced labor is employed as a form of punishment.

e. Denial of Fair Public Trial

Bhutan has no written constitution or bill of rights. Criminal cases and a variety of civil matters are adjudicated under an 18th century legal code which was revised in 1957 and which applies to all Bhutanese. Familial questions are resolved according to the traditional religious norms of the two major religious groups in the country: Buddhist law governs the majority of Bhutanese, and Hindu law is applied in areas where persons of Nepali origin predominate.

Although the Kingdom's legal system does not provide for juries, the right to be represented by legal counsel, or due process in the Western sense, trials are generally expeditious and public. There are generally no prosecuting or defense attorneys because there are insufficient lawyers in the country to serve in these capacities. Judges, appointed by and accountable to the King, are responsible for all aspects of a case, including investigation, filing of charges, prosecution, and judgment of the defendant. Qualified observers report that the system conforms to the local population's concept of impartiality and justice.

A separate judiciary was established in 1968 which provides for local, district, and national courts with original and appellate jurisdiction. Final appeals may be made to the King.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There are no written guarantees of privacy in the Bhutanese system, but tradition has bolstered the concept. In practice, the Government does not intervene arbitrarily or unreasonably in the lives of the people.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

With a literacy rate around 5 percent, Bhutan's adult population is relatively unaffected by the print media. The Government's weekly news bulletin is the country's only regular publication, providing news that may be 3 months old.

Indian and other foreign newspapers and publications are distributed in Bhutan without apparent government control. Bhutan has no television, and the one radio station broadcasts for only 3 hours daily. Criticism of the King is permitted in the National Assembly.

b. Freedom of Peaceful Assembly and Association

No written guarantees of these freedoms exist, but Bhutanese generally enjoy the freedom of peaceful assembly and association. There are no private voluntary social, communal,

or economic associations and no professional or trade organizations. Bhutan has no labor unions, and hence no collective bargaining, and no legislation addressing labor-related issues.

c. Freedom of Religion

Buddhism is the state religion of Bhutan. The Government subsidizes monasteries and shrines and provides aid to about half of the Kingdom's 12,000 monks. The monastic establishment enjoys statutory representation in the National Assembly and the Royal Advisory Council and is an influential voice on public policy. Citizens of other faiths, who are mainly Hindus of Nepali origin, enjoy freedom of worship. In an effort to encourage national cultural integration, the King has declared major Hindu festivals to be national holidays, and the royal family participates in them. Foreign missionaries are not permitted to proselytize in the Kingdom.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is freedom of movement within Bhutan for Bhutanese citizens and no bar on emigration or foreign travel. For many years Bhutanese traveled little inside or outside the Kingdom, but the recent rapid construction of roads and the establishment of air links with Calcutta have encouraged travel. Permanent residence for Nepalis and Indians in Bhutan (except those in government service) is restricted to the southern hill region. A policy introduced in the 1950's, which prohibited the exiled leaders of an outlawed Nepali Bhutanese political party from returning to the country, has been liberalized to allow them to return at their own request.

Bhutan traditionally has welcomed refugees and exiles from other countries in the region. Some 6,000 Tibetans sought refuge in Bhutan in 1959, joining approximately 4,000 Tibetans already in the country. Because it perceived threats to national security resulting from the Tibetan refugees' lack of allegiance to Bhutan, the Government required in 1979-80 that they either accept Bhutanese citizenship or face expulsion. When India and other countries initially refused to accept them, Bhutan's policy raised the possibility of forcible repatriation. However, the Government decided not to carry out its threat. Although most Tibetans in Bhutan have accepted Bhutanese citizenship, they have been assured by the Bhutanese Government that they will always be free to return to their homeland.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Bhutanese political system is a traditional monarchy, with sovereign and wide-ranging power vested in the King. It is a highly elitist polity, with decisionmaking centered in the palace and involving only a small number of officials in the civil and religious establishments. Although the present King and his father have endeavored to integrate women and southerners (Nepali ethnics) into the body politic, the system is still dominated by the male members of an aristocracy of Tibetan, Buddhist stock. Political parties do not exist, and their formation is discouraged. Local administration is carried out by centrally appointed government officials. Villages, however, have the traditional right to elect by consensus their own headmen, who form the lowest rung of the

administrative hierarchy. When the King is touring outlying districts of the Kingdom, any citizen can flag down his car and present an aide with a written petition, which is assured an official response.

The 150-member National Assembly is composed of 105 members elected by limited franchise (heads of family in Hindu areas, village headmen in Buddhist regions), 12 elected by the monastic establishment, and 33 high-level officials of the government administration appointed by the King. Its principal functions are to enact laws, approve senior appointments in the Government, and advise the King on matters of national importance. It also provides a forum for presenting grievances and rectifying cases of maladministration. Voting is by secret ballot, with only a simple majority needed to pass a measure. Government officials may be questioned by the body, and ministers can be forced to resign by a two-thirds vote of no-confidence. The King cannot formally veto legislation passed by the Assembly, but he can refer bills back to it for further consideration. The Assembly occasionally has rejected the King's recommendations or delayed their implementation, but the King has enough influence to persuade the Assembly to approve any legislation he considers essential or to withdraw any proposed legislation he opposes.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No international agency or group is known to have sought entry into Bhutan to investigate human rights conditions. No nongovernmental human rights groups are known to exist in Bhutan, nor do human rights appear to be a subject of domestic political debate.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The status of women is higher in Bhutan than in many of the surrounding countries. In contrast with some of its neighbors, Bhutan has not developed a rigid caste system or customs which sequester or disenfranchise women. Boys tend to outnumber girls by about two to one in primary school, but family land is divided equally between sons and daughters.

The sexes mix relatively freely, marriages can be arranged by the partners themselves as well as by their parents, and divorce is common. A man is allowed by law to have three wives, but polyandry is not sanctioned. Legislation has been enacted in recent years making marriage registration compulsory and favoring women in matters of alimony. In 1985 some 10 percent of the persons employed by the various government ministries and departments were women.

The potentially most divisive issue in Bhutan is how to accommodate the large (estimated at 20-30 percent) segment of the population of Nepali Hindu origin. The country's Buddhist majority has long been concerned about being overwhelmed by immigrants from Nepal. In the past, the Government responded to this concern by tightly limiting immigration and restricting residence and employment of the Nepali population to the southern part of the country. More recently, the Government's policy toward the Nepali minority has been liberalized. Intermarriages are being encouraged (even the King's sister has

married a Nepali Bhutanese), a percentage of students from one region are being educated in another, and greater priority is being given to the economic development of the south. Southerners are allowed to own property and establish businesses in the north, and vice versa. More and more young Bhutanese of Nepali origin are being brought into economic and administrative bodies. Laws concerning land tenure and taxation in the south are being liberalized as well, mitigating the discriminatory system which sometimes led Nepali Bhutanese to describe themselves as second-class citizens.

Families with ties to the palace and senior levels of the Government are strongly favored in their access to state scholarships for foreign education, but the King is making a serious effort to draw qualified persons from a broader range of social and ethnic backgrounds into the prestigious civil bureaucracy.

CONDITIONS OF LABOR

Bhutan has no minimum wage laws or other labor legislation governing its small industrial labor force. Less than 1 percent of the population is employed in industry. The shortage of labor in Bhutan is such that the larger industrial firms, all of which were established relatively recently, are organized along modern lines and incorporate a considerable amount of labor-saving technology. No industrial plant employs more than 60-70 workers, and most of these are guest workers from Nepal. Apart from the few large plants, the entire industrial sector consists of home-based handicrafts and some 60 privately owned small or medium-scale factories producing consumer goods. Children are not employed in industrial labor.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BHUTAN

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	1.1	0.1	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.1	0.1	0.0
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	1.1	0.1	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.1	0.1	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	1.1	0.1	0.0
E.RELIEF.EC.DEV & MFP.	1.1	0.1	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	1.1	0.1	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.1	0.1	0.0
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	12.8	20.5	8.0	50.7
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	8.5	9.0	0.0	17.5
IDB	0.0	0.0	0.0	0.0
ADB	0.0	7.4	8.0	20.4
AFDB	0.0	0.0	0.0	0.0
UNDP	4.3	4.1	0.0	10.4
OTHER-UN	0.0	0.0	0.0	2.4
EEC	0.0	0.0	0.0	0.0

EGYPT

Egypt is a republic in which the President and his party, the National Democratic Party (NDP), are the major political forces. The NDP commands a large majority in Parliament, but opposition parties play an important role by criticizing government policies and performance. The Cabinet is headed by a Prime Minister responsible to the President. The parliamentary institutions are the People's Assembly and the Shura (consultative) Council.

Vice President under Sadat, Hosni Mubarak was elected President by the People's Assembly in 1981 following Sadat's assassination; his election was affirmed by referendum in accordance with the Constitution. The next presidential election is due in October 1987. In People's Assembly elections in May 1984, the NDP won 391 of 448 elected seats, while the centrist opposition New Wafd Party won 57 seats. President Mubarak exercised his discretionary power to appoint several members of two other opposition parties to the Assembly. The governmental and legal systems are based on Egypt's Muslim and Arab heritage, as well as the experience of the 1952 revolution. Western influences are also present, reflected in the country's Napoleonic legal code.

The state of emergency proclaimed after Sadat's assassination has been maintained through extensions decreed by President Mubarak, with the approval of the People's Assembly. Under it, the President and his delegate, the Minister of Interior, can suspend certain constitutional and legal safeguards normally associated with the protection of civil and political liberties. Since Zaki Badr became Minister of Interior following the February police riots, the Government has used its emergency powers against striking railroad conductors, Islamic militants, and a few Christian converts from Islam.

Islamic activists who are pressing for political and social change are, by and large, able to pursue their cause through legitimate channels such as the People's Assembly, the judiciary, and the press without fear of government retribution. Opposition parties of the left and the right function legally, and their influence is particularly felt through their weekly newspapers. The opposition parties boycotted elections held in October for the Shura Council, the advisory upper house of the Parliament, claiming that the electoral system of proportional representation provided the NDP with an unfair advantage. Several opposition leaders, however, subsequently accepted presidential appointments to the Shura Council.

The Government has continued to give priority to economic development and liberalization while continuing its policy of trying to maintain living standards. This policy has depended on a massive subsidy system that in fiscal year 1985-86 cost an estimated $3 billion--about 10 percent of total government expenditures. In an effort to develop solutions to its economic difficulties, the Government has pursued economic reform measures and cooperated with international financial institutions.

Egypt's human rights record in 1986 reflected increased security concerns resulting from its difficult economic situation and regional instability. President Mubarak's continuing commitment to political liberalization was evident in his public statements on domestic affairs in which he stressed the importance of tolerating press criticism and

developing a responsible opposition. Egyptians and other observers generally credited the President in 1986 for protecting press freedoms and promoting greater freedom of political expression. Some government restrictions on political activities and dissent remained, however. While some members of the Christian minority were concerned by the potential threat to their rights posed by resurgent Islamic forces, the Government has generally demonstrated its commitment to protecting minority rights. Coptic Pope Shenouda III has indicated that his relations with the authorities are good. Reports of draft legislation applying strict penalties to apostasy concerned members of the small Baha'i community, but the legislation is currently stalled in committee. Legal action reportedly was still pending in the case of 41 members of the Baha'i faith who were detained and released in February 1985. The Bahais were charged under a law, existing since Nasser, banning public (though not private) Bahai religious activities.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of government-instigated killings for political reasons.

Police conscripts of the Central Security Forces rioted for 3 days in February, burning hotels and nightclubs near the pyramids, destroying cars and other property, and clashing with the army. Officially about 70 persons died--most of them police conscripts killed by the army--but unofficial estimates have been considerably higher. One 73-year-old Danish tourist died when the hotel where she was staying burned down. Elite units of the army were able to restore order with widespread public support, and over 3,000 conscripts were arrested. Although the rioting spread from Cairo to a few other areas, there is no convincing evidence of a plot. Rather, it appears the rampage was caused by the bad living conditions of the conscripts and rumors that their term of service would be extended by 1 year. As of the end of the year, the courts had postponed hearing the cases of 675 conscripts and 31 civilians who are to stand trial for the riots. The President appointed a new Minister of Interior and announced that steps would be taken to improve the lot of the security police.

A group of unknown assailants attacked a car full of Israeli embassy employees leaving the Cairo fairgrounds on March 19. One Israeli woman was killed, and her three colleagues were wounded. A group calling itself "Egypt's Revolution" claimed responsibility for the attack. "Egypt's Revolution" had also taken responsibility for a failed attack on an Israeli embassy employee in 1984 and the murder of an Israeli diplomat in August 1985. At year's end, the cases were still unsolved, but the investigation was continuing. "Egypt's Revolution" also claimed responsibility for the hijacking to Malta of an Egypt Air jet in November 1985 which resulted in the death of over 60 passengers. In October Interior Minister Badr reiterated earlier official denials of the organization's existence.

EGYPT

b. Disappearance

There were no known cases of disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and cruel, inhuman, or degrading treatment or punishment are forbidden by the Constitution and by law. Persons claiming to have been tortured have redress in the courts, which have awarded financial compensation to various torture victims. Information gained through torture is not admissible in court. The law provides that police and security officials convicted of torture are subject to punishment, and a major case against alleged offenders is under way. In the past, reported cases of officials being penalized have been rare. On occasion, detainees and prisoners have claimed that they were tortured and have appealed for redress to the courts or the public prosecutor. These appeals, which generally led to investigations by legal and medical authorities, sometimes concluded with the Government's denial of the alleged torture. More often, the Government has not revealed the findings of the investigations.

In November 1984, the public prosecutor initiated a major investigation of torture incidents disclosed by the Supreme State Security Court in the Al-Jihad case that ended in September 1983. The court had cited torture as a factor in its decision to acquit 190 out of 300 Al-Jihad defendants and reduce prison sentences for others. According to the opposition press, former Interior Ministers and still active senior police officers were among the many security officials suspected of involvement in the torture. In September 1986, the prosecutor announced that torture charges against 44 police officers of various ranks and 4 court assistants would be referred to criminal court. The prosecutor declared that, on the basis of 422 reports of torture of the Al-Jihad defendants, 28 torture charges would be brought against the accused police officers, while 22 other charges would continue to be investigated. The prosecutor noted that evidence against the police was based on both eyewitness accounts and the report of the court physician. If convicted, the accused officers could face sentences of between 3 to 10 years of hard labor or imprisonment. The leftist opposition paper Al-Shaab reported on September 16 that the Minister of Interior and other ministry officials had met with the accused officers, who insisted that they had engaged in torture at the express order of their superiors.

Allegations of torture have appeared periodically in the opposition press, especially after the arrests of persons belonging to Islamic organizations who were allegedly involved in burning a number of Cairo video clubs and liquor stores in late June. The opposition newspaper Al-Wafd has accused Interior Minister Badr of reinstituting torture against Islamic activists. Al-Wafd has published photographs of the scarred bodies of Islamic activists and asserted that the scars were caused by torture inflicted in Egyptian jails and prisons. The Egyptian Bar Association's Committee for the Defense of Freedom has also charged the security services with using torture against the defendants in the video club cases. Al-Wafd reported on September 18 that police in Alexandria had beaten a prisoner to death. Although the police maintain that the man died by jumping from a balcony in an escape attempt,

other reports indicated that the man was beaten to death inside the police station.

In a special report, "Egypt: Evidence of Torture 1981-1983" (originally published in March 1985 and reissued in August 1985, together with a memorandum from the Egyptian Government, under the title "Torture in Egypt 1981-1983: Amnesty International's Evidence and the Government's Response"), Amnesty International reviewed medical authorities' forensic records on torture victims and found a "disturbing and consistent pattern of torture or ill-treatment of political detainees," including Islamic militants linked to the Al-Jihad organization, and some left-wing elements. The report mentioned Cairo's Citadel prison as a reputed site of torture activities. This prison was subsequently closed.

Prison conditions and treatment vary considerably; some facilities appear to be overcrowded and lacking adequate medical and sanitary facilities. Tora prison, in which the Al-Jihad convicts are imprisoned, has a particularly bad reputation. Other prisons, however, provide better living conditions and offer inmates recreational programs and vocational training.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest, detention, and exile are forbidden by law. Two systems of criminal procedure are in effect: ordinary criminal procedures and the emergency law. Under ordinary procedures, arrests follow investigations, and arrested persons are charged with violations of specific laws. With some exceptions, preventive detention is not practiced. Arrested persons have the right to a judicial determination of the legality of detention, and there is a system of bail. The ordinary law states that a detained suspect must be brought before a magistrate and formally charged within 48 hours of his arrest or else released. By and large, there is careful observance of constitutional and legal safeguards in the arrest and pretrial custody stages. Arrests occur openly and with warrants, and the accused are brought before an independent judiciary. The Government does not appear to practice incommunicado detention.

The major exceptions to the normal procedures arise when the emergency law, which gives the Government extraordinary powers, is applied. The Constitution and the Emergency Law of 1958, as amended, empower the President, when security or public order are in peril, to invoke emergency powers authorizing the arrest and detention of persons suspected of being dangerous to state security, irrespective of provisions of the penal code. These persons must be charged. Egyptian law specifies a wide range of offenses deemed harmful to national security which may be tried before a parallel system of state security courts under the emergency law. Despite opposition complaints and hints from the Government that the law would be abolished, the NDP majority in the People's Assembly has repeatedly extended the law--most recently in April 1986 for a 2-year period. Under the emergency law a person may be held indefinitely for renewable 30-day periods, provided the executive is willing to override any judicial findings to the contrary. After each 30-day interval, the detainee is allowed to petition the state security courts for release. If the court approves the petition, the President or the Minister of Interior may exercise a veto over the decision and keep the detainee in custody for another 30 days. Another

circuit of the state security courts then reviews the case. Amendments to the emergency law in 1982 expanded the detainees' rights of appeal and provided for prompt redress, including judicial review, against improper treatment.

The emergency law was invoked selectively in 1986 against members of banned leftist organizations, striking train conductors, Christian converts, and suspected Islamic extremists; the ordinary rules for arrest, trial, and detention continued to be applied in all other instances. A number of striking train conductors were arrested under the emergency law after a nation-wide wildcat strike in July. The State Security Court ordered their release pending further hearings in October, and they were subsequently reinstated in their jobs. Six Egyptian Christian converts were arrested early in the year on the grounds that their activities constituted a threat to national unity. They were released in August when the State Security Court determined that no specific law prohibited conversion from Islam. Two Tunisian and two Moroccan Christian converts were also arrested in April while they were attending a church leadership training program in Alexandria, again on the grounds that they constituted a threat to domestic security. They were subsequently released and allowed to leave the country. There were numerous arrests of Islamic activists after the burning of video clubs in June, although many were subsequently released. According to press reports, the number of detainees currently held under the emergency law is probably around 80.

There have been no reports of the use of forced labor, which is prohibited by law.

e. Denial of Fair Public Trial

Egyptian law provides for public trial and equal treatment before the law, and these legal safeguards are generally observed. However, provisions for public trials do not apply in state security cases. Persons accused of these offenses, which may trigger emergency law provisions at the Minister of Interior's discretion, are usually tried in closed session in the state security courts. These courts handled various sensitive cases in 1986, at which all defendants were present and represented by lawyers actively defending them. State security courts are conducting hearings in the cases of the train conductors who went on strike in July and the central security police conscripts who rioted in February. Civilians arrested for certain crimes may be tried in military tribunals as well as state security courts.

No public statistics are available on the number of persons serving prison sentences (as opposed to detainees on trial or awaiting prosecution) for acts of violent protest or for membership in proscribed organizations espousing terrorism or the violent overthrow of the State. However, based on the convictions in the Al-Jihad proceedings as well as reports of trials in the opposition press, the number may reach 150 to 200. The conviction and sentencing of other nonviolent dissenters appear to occur rarely, if at all. The emergency law provides ample authority to detain without trial people believed to be planning violent acts against the Government.

Under Mubarak the judiciary has enjoyed an unprecedented degree of independence. Certain officials who investigate the propriety of police charges against suspects have been given judicial immunity to protect them from police pressure. The

High Judicial Council, which Nasser dissolved but which was later reinstated, is empowered to override decisions by the Ministry of Justice regarding judicial appointments, promotions, and other personnel matters. The Council of State, a court system having jurisdiction over disputes between private citizens and government agencies, is independent of the Ministry of Justice, and the Council is effectively safeguarded against arbitrary dismissal of its members.

In 1986 the courts continued to demonstrate their autonomy. There have been numerous reports in the opposition press of courts ordering the release of Islamic activists, although the Minister of Interior has often rejected the rulings. Under the terms of the emergency law, the Minister of Interior, by the authority of the President, may reject a court order to release defendants in state security cases. In October a judge ordered the release without bail of the deputy editor of Al-Wafd newspaper, who was accused of soliciting a substantial bribe, reportedly because the prosecution had failed to submit its report to the court within the 24 hours required by law. Courts also ordered the release of the striking train conductors and the members of the Al-Jihad organization who were arrested after holding public prayers in Cairo's Abdeen Square on a religious holiday.

Two judicial institutions criticized by the opposition and others as superfluous and potentially dangerous to the judicial system are the Court of Ethics and its investigating agency, the Office of the Socialist Public Prosecutor. Created in 1980, the court is charged with trying offenders of "Socialist values." In 1986 the court continued its recent focus on cases of corruption and illegal business activities. The Office of the Socialist Public Prosecutor functions as investigator and prosecutor for the Court of Ethics. Its other tasks include approving candidates for elective positions in the trade union movement and performing security checks on appointees to senior government positions.

Article 2 of the Constitution states that Islamic jurisprudence is the principal source of law. However, literal application of Islamic law is limited to the Family Status Courts, which have jurisdiction over such matters as divorce and inheritance for Muslims. In addition to Islamic law, these courts apply the codes of other religions in family matters if the parties are non-Muslim. In May 1985, the People's Assembly debated proposals for the implementation of the Shari'a (Islamic law) and voted by a large majority to conduct a law by law review of all statutes in order to change those conflicting with Islamic law. The review process is expected to require years to complete.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Freedom from arbitrary interference in private life by the State or by political organizations is guaranteed by the Constitution. Except when the emergency law is applied, police must obtain a warrant from the State Security Prosecutor before undertaking arrests, searches, or seizures. The warrant need not specify the material being sought in a search, and the material seized can be presented as evidence during trials. On occasion, the courts have dismissed cases when they determined warrants to have been issued without sufficient cause. Police officials who conduct searches

without proper warrants are subject to criminal penalties, but there were no reports that officials were punished for this offense in 1986.

The emergency law empowers the President to authorize searches of individuals or premises without following normal penal code procedures. In the aftermath of Sadat's assassination in 1981, a few reports in the opposition press have referred to warrantless searches in connection with investigations of extremist organizations, both Islamic and leftist.

The opposition press reported in 1986 that the security services had obtained new equipment to expand their capability to monitor telephone conversations of opposition figures and Islamic activists. However, monitoring of correspondence or telephones appears to take place only with the legally required prior authorization of the State Security Prosecutor.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and of the press. The Government's respect for these freedoms is reflected in the lively debate of national issues and criticism of government officials in the media. Considerable debate appears in the so-called "national press"--the major government-owned dailies and news magazines--but the weekly opposition party newspapers and publications of Islamic groups are especially critical. Although the emergency law can be used to ban publications, the Government under Mubarak has not invoked it for this purpose.

There is a widely held view, which extends to opposition circles, that the Egyptian press has never been freer. Egyptian editors appear to exercise less and less control over journalists and columnists, to the extent that columnists for the same newspaper have begun to attack each other in their columns. The opposition papers are free to publish whatever stories support the political inclinations of their sponsoring organizations, with little regard for the factual bases of these stories. Journalists and other individuals slandered or maligned in the press may sue in court or, in the case of journalists, raise the matter with the press syndicate. By virtue of their positions, the President and members of the People's Assembly and the Shura Council may not sue for libel.

Nonetheless, the Government occasionally exercises influence on the government-owned dailies and magazines, whose editors in chief are appointed and can be dismissed by the NDP-dominated Shura Council. The Council theoretically supervises the press to some extent through the Government's ownership of the major nonparty newspapers and magazines and through the Higher Press Council.

The latter, a 45-member body chaired by the Speaker of the Shura Council and composed of senior press figures, is not designed to facilitate press censorship, nor does it appear to be a very active body. One of the Higher Press Council's functions, however, is to approve applications for new publications; on a few occasions applications to publish independently owned journals have been rejected or delayed for lengthy periods. This approval, however, is required only for publications appearing regularly on a set schedule. Items

appearing irregularly are published without the Council's certification.

Overt censorship does not exist. Nevertheless, journalists and editors working for the government-supported newspapers are occasionally "guided" by officials about the treatment of specific issues. Government guidance, when exercised, is given informally to senior editors and board chairmen by senior officials such as the Minister of Information. This does not happen often; usually the editors know the policy and are aware of the limits which they are expected to observe. The Government does not give such "guidance" to the opposition press. Since Mubarak assumed the presidency, there have been no confirmed reports of government action to silence press critics. Press coverage of the arrests of Islamic extremists and other sensitive topics during the year was not censored. No journalists have been arrested on political grounds, although many observers regard the bribery charges leveled against the deputy editor of the opposition Al-Wafd newspaper to be politically motivated harassment. In October the prosecutor created a furor by turning this case over to the Higher State Security Court and seeking a life sentence with hard labor for the defendants. The courts overturned an attempt to confiscate an edition of an opposition newspaper in 1984. No attempt at confiscation was made in 1985 or 1986. Two of the five Muslim and Coptic religious publications suspended by the Sadat government in 1981 have yet to reappear, despite a 1982 court decision canceling the suspensions. The two publications are the Muslim Brotherhood's Al-Dawa and the Coptic Al-Kiraza Al-Murqusiya.

A wide variety of foreign reading matter in both Arabic and other languages is readily available.

b. Freedom of Peaceful Assembly and Association

Under the emergency law, the Government can place limitations on the constitutionally guaranteed right of assembly. Permission is required from the Interior Ministry to hold public meetings, mass political rallies, and protest marches. Despite this emergency authority to restrict gatherings of government opponents, the Government has allowed opposition parties to hold numerous meetings and rallies, usually stipulating that they be held indoors. The Interior Ministry allowed Islamic organizations to organize Greater Bayram prayers in specified areas in September 1986, but denied Islamic activists access to Abdeen Square in Cairo. Most of the gatherings proceeded peacefully and without interference, but some members of the Al-Jihad organization defied the ban on gathering in Abdeen Square and were arrested.

Professional associations, in particular the bar association and the press syndicate, criticize government policies in their pronouncements and occasionally sponsor protest activities. The associations operate largely free of government interference. In the most recent elections for the governing boards of the bar association and the commerce and engineers syndicate, the balloting was fair and competitive, with no intervention by the authorities.

There are no restrictions on workers' freedom to organize, and about 20 to 25 percent of the work force are unionized. Every 50 workers in a given activity can form a committee, which operates as a local union. These locals are affiliated with national unions, all 23 of which are required to affiliate

with the sole labor federation, the Egyptian Trade Union Federation (ETUF). There have been complaints to the International Labor Organization (ILO) that requiring all unions to join a single national federation infringed upon workers' right of freedom of association. In response to these complaints, the Government established a commission to study the possibility of amending the labor laws to bring them into conformity with the ILO conventions on freedom of association. Although there was considerable public discussion in 1986 about reforming the labor law, the debate largely focused on issues unrelated to the ILO.

The trade unions' principal function is to defend their membership's rights in dealing with management on such issues as wages and working conditions. Labor groups pursue these issues with considerable freedom. However, there are restrictions. Setting wages through collective bargaining is not permitted. Instead, management consults closely with unions in fixing wages. The labor code also provides for a system of arbitration to resolve wage and working condition issues, but omits any reference to the right to strike. The law of national unity prohibits strikes that threaten the national economy; the striking train conductors were arrested under this provision. In practice, strikes are discouraged by both government and trade union leaders.

The Egyptian Trade Union Federation (ETUF) adheres to the principle of nonmembership in international labor organizations, except for the Organization of African Trade Unity, the Arab Labor Organization, and the International Confederation of Arab Trade Unions. However, the latter suspended Egypt's membership in 1978 in response to the Camp David accords, as did the Arab Labor Organization in 1979. Despite the ETUF's prohibition, some individual unions have affiliated with international trade union organizations. The ETUF itself has signed various international trade union agreements, one of them with the AFL-CIO. There appear to be no restrictions on the international affiliations of professional associations.

c. Freedom of Religion

According to the Constitution, Egypt is an Islamic state which guarantees freedom of religious expression and equality before the law regardless of religion. Egypt has a tradition of religious toleration, and the authorities generally uphold the rights of religious minorities. Islam and Coptic Christianity are the two major religions. While most Egyptian Jews emigrated many years ago, those few who remain appear to practice their faith without restriction or harassment. Synagogues and churches are routinely provided police protection. Various Protestant sects operate, some with significant Egyptian membership, while others have a small following, largely among expatriates. All organized religions which are recognized may maintain links with coreligionists abroad. Those who engage in proselytizing Muslim Egyptians may be prosecuted for "despising a heavenly religion" (Article 98f of the penal code) or under the broad terms of the law of national unity, even though missionary work is not specifically banned. Conversion from Islam, while officially not restricted or penalized, is discouraged by the Government. Conversion to Islam or between Christian denominations is unaffected.

EGYPT

In February 1985, the Government arrested 41 adherents of the Baha'i faith, which is not considered a recognized religion but apostasy from Islam; within a week those arrested were reportedly all released. The press later reported that the State Security Prosecutor had declined to try the Baha'is because their ostensible offense, belonging to an apostate religion, is not a crime under Egypt's penal code; instead, he transferred the case to another court for prosecution under statutes forbidding the use of religion to promote seditious ideas and for the violation of a 1960 law outlawing organized activities by Baha'is. As of the end of 1986, the court had not ruled on the charges.

In January three Egyptian sisters and the husband of one of them, all four Protestant converts from Islam, were arrested. Two more Egyptian Protestant converts from Islam, a 56-year old man and his daughter, were also arrested. All six were held under the emergency law and accused of "despising Islam." On August 11, in response to defense arguments that existing law did not prohibit conversion from Islam, the court ruled for their release; the Minister of Interior did not contest the decision. The Islamic opposition newspaper Al-Nur subsequently urged the People's Assembly to pass a law prohibiting conversion from Islam, claiming that apostasy should be treated as seriously as treason.

Two Moroccan and two Tunisian Christian converts were arrested in Alexandria in April while attending a church leadership training seminar organized by the Campus Crusade for Christ. They were subsequently transferred to Tora prison near Cairo. The emergency law was applied to these arrests, and the charges were based on the law of national unity. After several appeals, the court released them in October to the custody of the Ministry of Interior, and they were allowed to leave the country.

In March draft legislation that would impose the penalty of life imprisonment with hard labor or the death sentence on anyone promoting apostate views was proposed in a committee of the People's Assembly. The original proposal was later changed to provide for punishment of persons who claim to prophesy or who attribute prophecy to someone else. Although the proposed law did not refer directly to any group, the apparent targets of the legislation were members of Egypt's small Baha'i community and the small Mahdist sect, whose leader claims to be a prophet. Since Muhammad's status as the "seal of the prophets" is a fundamental Islamic tenet, subsequent claims to prophecy are viewed by some Muslims as apostasy. This draft legislation has not been approved by the NDP leadership in the Assembly, and remains stalled in committee.

All faiths can, in principle, establish places of worship, run schools, and train enough clergy to serve believers. Under a law dating back to the Ottoman era, non-Muslims must obtain numerous official permits, not required of Muslims, to build places of worship. Obtaining authorization can take years. Permits are not required for the restoration of existing churches but are needed to enlarge the structures.

Coptic Christians, the most significant indigenous religious minority, constitute an estimated 10 percent of the population. Copts work in all career fields, occupying many leadership positions in the business and professional communities. Copts seem by and large to enjoy equal access with Muslims to public employment, although there appear to be instances of

discrimination. They are not strongly represented at the highest levels of government; 2 of 33 cabinet ministers and 9 of 458 People's Assembly deputies are Copts. Copts seldom advance to the senior ranks of the military.

University officials have denied allegations that general admissions procedures were revised in the fall of 1984 in order to discriminate against Copts. Allegations of anti-Copt discrimination in admissions to some fields of medical study are still heard. There are also reports that the universities effectively block Coptic professors from becoming chairmen of certain departments and administrators. The Government has denied a request to establish a Coptic university.

Though Copts face prejudice and isolated acts of discrimination from some Muslims, there is no evidence that these acts are officially inspired. President Mubarak has emphasized publicly the full equality of Copts and other religious minorities. The courts' application of Islamic law to family matters in the Muslim community (marriage, inheritance, personal property)--and the Islamic influences elsewhere in the legal system--have not affected the constitutionally guaranteed freedoms of Copts and other minorities.

Since reaching a peak in the period preceding Sadat's assassination, reports of persecution and physical attacks on Copts by Islamic extremists have sharply diminished. The Government, however, continues to take precautions, such as posting security forces near Coptic churches. In an October 1985 interview with Al-Ahram, Pope Shenouda praised the spirit of national unity prevailing among Egyptians and said that "sectarian violence" is an expression alien to Egypt. His publicly stated view that Muslim-Copt relations have improved greatly appears to be widely shared in Coptic circles.

Political activity along religious lines is forbidden, and various Islamic and Coptic societies are legally proscribed. Although the Muslim Brotherhood (MB) is technically banned, its activities are tolerated so long as they do not threaten state security or foster sectarian tensions. In the May 1984 elections to the People's Assembly, eight MB adherents were elected on the New Wafd Party's slate; in May 1985, the courts ruled that mere membership in the MB is not a criminal offense. The MB has a lawsuit pending, seeking restoration of its legal status. Following its short-lived alliance with the New Wafd, the MB has flirted with other opposition groups and proposed its own political organization.

Egyptian law prohibits the use of places of worship to criticize the State. The courts have not yet ruled on a challenge to the constitutionality of this restriction. Although the Government maintains that sermons by Islamic and Coptic religious figures are not censored, Muslim prayer leaders are occasionally detained and questioned for delivering allegedly inflammatory declarations in their mosques. The Ministry of Awqaf (religious endowments) has also been known to substitute imams for troublesome preachers at mosques under its control as well as to take over the administration of some privately run mosques considered to be the centers of antigovernment activity.

Pope Shenouda III, whose recognition as Coptic Orthodox Patriarch was revoked by the Government in 1981, remained in government-enforced seclusion (internal exile) for over 3 years until his release by presidential decree on January 1,

1985. There appear to be no conditions attached to his return to public life and full papal responsibilities. In 1986 he traveled to Alexandria and maintained contact freely with his principal dioceses. Elections postponed by the Pope's seclusion were held in April 1985 for the Coptic Melli Council, a 24-member lay body that oversees some church administrative matters.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Egyptians are guaranteed freedom of movement except in well-defined military districts; there are additional restricted areas to which foreigners may not travel. Except for limitations affecting males who have not completed compulsory military service and restrictions imposed under the state of emergency, freedom of foreign travel and emigration is guaranteed. Citizens who leave the country have the right to return. Some who left for political reasons have returned since President Mubarak assumed office. There are no known cases of citizenship being revoked for political reasons.

Under the state of emergency, the Prime Minister has authority, which he may delegate to the Interior Minister, to restrict foreign or domestic travel. The opposition has alleged that this emergency authority has been used to prevent suspected Islamic militants from leaving the country. According to an Interior Ministry statement of April 1985, fewer than 500 persons were subject to travel restrictions (in contrast to 45,000 in the Nasser era). All restrictions were imposed by judicial order in accordance with penal code provisions and most of the persons had criminal cases pending. The situation appears to have remained materially unchanged in 1986.

Egypt has a liberal policy on political asylum, and the extradition of political refugees is prohibited by law. The United Nations High Commissioner for Refugees has commended Egypt for contributing to refugee relief by allowing about 500 school-age African refugees to enter Egypt temporarily and attend school for nominal fees while awaiting resettlement elsewhere. In September 1985, the Interior Minister testified to People's Assembly committees that there were 3,000 political refugees from other Arab countries in Egypt. Sudanese officials have sought the extradition of former Sudanese President Jaafar Nimeiri from Egypt and have challenged his refugee status in the Egyptian courts, thus far unsuccessfully.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Egypt's political system is characterized by a strong presidency. The President heads the National Democratic Party (NDP), which wields a substantial majority in the People's Assembly, but a number of opposition parties are allowed to organize, publish their views, and, in some cases, represent their followers in the People's Assembly and on the local level.

The largest and most influential of the five legally formed opposition parties is the New Wafd, a revival of the Wafd, one of the major political parties before the 1952 revolution. The New Wafd resumed activity in 1983, following court decisions that restored its leaders' political rights and affirmed the party's legal status.

EGYPT

The Communist Party has been banned since the early 1950's, although the National Progressive Unionist Grouping, a Marxist party frequently referred to as Communist by Egyptians, is legal. A 1977 law prohibits the formation of new parties based on religious or class lines, or whose platforms duplicate those of existing ones or include opposition to the Egyptian-Israeli peace treaty. The law also established the so-called "Parties Committee" which must approve the formation of new parties. Applicants are entitled to challenge in court an adverse decision by the Committee. In 1985 the sponsors of a proposed Nasserist party filed suit when the Committee turned down their application. The Administrative Court referred the case to the Supreme Constitutional Court where the matter has remained pending. The Administrative Court stated that provisions of the 1977 parties law may be unconstitutional because of apparent contradictions with the political rights of citizens and their right to freedom of expression. In October 1986, Nasserist party leaders claimed to be nearing completion of the party's legal establishment. They were increasingly engaged in open political activities, including rallies. Security authorities questioned the party leader concerning these activities, which may have exceeded the fledgling party's rights.

The People's Assembly comprises 458 members, of whom 10 are appointed by the President. Half of the elected seats are reserved for worker and peasant representatives, and 31 for women. Following the most recent elections in 1984, the NDP controls the People's Assembly with 395 seats. The New Wafd has 58 seats, and other parties have 5 (all appointed). Both NDP and opposition deputies can and do strongly criticize the Government. Cabinet ministers appear before assembly committees. Assembly members occasionally call for parliamentary investigations of government actions or policies that require the testimony of government officials.

In the hard-fought 1984 campaign, the NDP and the four participating opposition parties together fielded over 2,000 candidates. The elections, in which 43 percent of Egypt's approximately 12 million voters cast ballots, were generally regarded as the freest and most competitive since the 1952 revolution. A number of losing opposition candidates filed court cases challenging the election results. These cases are still pending.

A major opposition complaint focused on the July 1983 electoral law which replaced the previous system of single-member constituencies with a party list system. In each of the 48 electoral districts, assembly seats were awarded in proportion to the number of votes for each party's list, subject to the requirement that a party receive at least 8 percent of the total vote. The opposition parties have criticized this "8 percent" proviso as excessively high and have filed court suits challenging its constitutionality on the grounds that it infringes upon the equal rights provisions of the Constitution.

During the months leading up to the October 1 Shura Council elections, the leaders of the opposition parties made a joint request to President Mubarak to change the electoral system for the Council. According to this system, the party list winning a majority of the votes in a given governorate gains all the seats for that constituency, provided the party wins at least 5 percent of the national vote. Charging that this system unfairly disadvantaged them, the opposition parties

boycotted the elections when the Government refused to change the rules.

The Government announced a voter turnout of 81 percent for the uncontested Shura Council elections, and overwhelming support for NDP condidates. Some observers said that the Government's claim about the high turnout seemed greatly exaggerated and noted that voters had no alternative to NDP candidates except to vote "no." Arguing that the 11 million votes claimed by the Government exceeded the number of registered voters then present in the country, the opposition parties said they would present charges of electoral fraud to the public prosecutor.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Egypt has signed the Organization of African Unity's African Human Rights Charter and has reaffirmed its commitment to the U.N. Human Rights Declaration and respect for related international conventions. The Government is responsive to queries from Amnesty International and other international groups about human rights concerns, including requests for visits. Within the Government, primary responsibility for international human rights matters rests with the Foreign Ministry's Legal Office and Office of International Organization Affairs.

Human rights groups in Egypt are increasingly active in promoting domestic and foreign human rights issues. Their activities cover such areas as prisoners' welfare and women's rights; some groups are also trying to mobilize public support on certain political issues. The Egyptian chapter of the Arab Human Rights Committee contacts the Ministry of Interior directly on human rights issues. For example, it raised the Amnesty International report on the six detained Egyptian Christian converts (see Section 2.c.) with Minister of Interior Badr. Women's rights groups actively lobbied for passage of the family status bill enacted by the People's Assembly in July 1985. The Government generally does not seem to interfere with these organizations, though it apparently did not permit the holding of one conference in Cairo sponsored by the Arab Human Rights Committee.

In its 1986 Report, Amnesty International noted that it had published a separate report, "Egypt: Evidence of Torture 1981-1983" (see Section 1.c.) and had sent a copy to the Egyptian Government for comment. Amnesty International noted that, in a replying memorandum, the Minister of State for Foreign Affairs had referred to constitutional and other legislative guarantees of personal and social liberty, as well as provisions safeguarding detainees from torture, and had reaffirmed Egypt's commitment to international human rights instruments. In its reply to the Government's memorandum, Amnesty International welcomed Egypt's response but also expressed the hope that the Egyptian Government would give serious consideration to implementing Amnesty International's specific recommendations for safeguards against torture and ill-treatment of detainees.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

By law, and in many respects in practice, there is equality of the sexes. Women are represented in medicine, law, education,

and the military (in the medical units). They vote and serve in the People's Assembly and the Cabinet. They are generally free to travel, though a married woman must have her husband's permission to obtain her initial passport. A husband may rescind his permission and request that his wife's passport be canceled, but such cases are rare. A married or divorced woman also may not take her children abroad without her husband's permission. Under Islamic law, female heirs are entitled to one-half the amount of inheritance that male heirs can receive. In rural areas and within more traditional communities, prevailing cultural values make it more difficult for women to pursue careers outside the home. In such households, by custom and tradition, women occupy a subordinate and dependent role.

The new family status law, enacted in July 1985 with strong support from President Mubarak, amplified the legal basis for equality of the sexes. The statute largely preserved women's right to divorce and divorced women's child custody and property rights, spelled out in a 1979 act which had been declared unconstitutional on narrow technical grounds by the Supreme Constitutional Court. Although the 1979 statute provided that a husband's second marriage was sufficient grounds for the first wife to obtain a divorce, the new version required proof that the second marriage had caused her material psychological harm. On the other hand, the new law also required the husband to declare second and subsequent marriages, with failure to do so constituting grounds for divorce by the first wife. The successor law retains the controversial provision that, in case of divorce, the woman has the option of retaining possession of the family residence or of receiving financial compensation.

CONDITIONS OF LABOR

Employers are required by law to provide acceptable terms and conditions of employment for their workers. The mininum wage is approximately $22 a month, and the regular workweek is fixed at 48 hours for factory workers.

Employers are legally required to meet worker safety and health norms, which are modeled on the ILO's suggested standards. There are special provisions for female workers. Employers who violate wage, hour, and safety and health provisions face civil and criminal penalties, and independent sources confirm that the courts occasionally impose fines on offending companies.

The minimum age for full-time employment is 12, which is also the minimum school-leaving age. Certain forms of dangerous or heavy labor, such as mining, are not legal for children aged 12 to 18. There is evidence that the traditional practice of using underage children to perform full-time jobs continues, particularly in the rural areas. In the latest survey (1981) of the labor force, the Government's Central Statistics Agency reported that over half a million children aged 6 to 12 were regularly employed, a majority in the agricultural sector.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: EGYPT

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	1104.1	1292.1	1069.2
LOANS.....	237.5	213.8	0.0
GRANTS.....	866.6	1078.3	1069.2
A.AID	852.9	1065.1	1069.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	852.9	1065.1	1069.2
(SEC.SUPP.ASSIST.)...	852.9	1065.1	1069.2
B.FOOD FOR PEACE.....	251.2	227.0	0.0
LOANS.....	237.5	213.8	0.0
GRANTS.....	13.7	13.2	0.0
TITLE I-TOTAL.....	237.5	213.8	0.0
REPAY. IN $-LOANS.....	237.5	213.8	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	13.7	13.2	0.0
E.RELIEF.EC.DEV & WFP.	0.4	0.0	0.0
VOL.RELIEF AGENCY.....	13.3	13.2	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	1366.7	1176.7	2489.9
LOANS.....	900.0	0.0	1244.1
GRANTS.....	466.7	1176.7	1245.8
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	900.0	0.0	1244.1
C.INTL MIL.ED.TRNG....	1.7	1.7	1.7
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	465.0	1175.0	1244.1
III.TOTAL ECON. & MIL...	2470.8	2468.8	3559.1
LOANS.....	1137.5	213.8	1244.1
GRANTS.....	1333.3	2255.0	2315.0
OTHER US LOANS.....	199.9	5.3	0.0
EX-IM BANK LOANS.....	155.7	0.0	0.0
ALL OTHER.....	44.2	5.3	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	528.7	443.7	157.0	4717.1
IBRD	458.0	263.3	70.0	2920.3
IFC	8.0	6.5	87.0	299.1
IDA	0.0	0.0	0.0	980.6
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	23.8	109.6	0.0	194.3
UNDP	0.5	1.3	0.0	99.0
OTHER-UN	13.4	0.0	0.0	43.3
EEC	25.0	62.5	0.0	180.5

INDIA

India is a secular, democratic republic with a political structure mixing Indian political traditions with aspects of the British parliamentary system. Free elections are held regularly. The last general elections were held on December 24, 1984.

Prime Minister Rajiv Gandhi's Congress (I) Party holds almost 80 percent of the seats in the Lok Sabha, the lower house of India's Parliament. It also controls the upper house (Rajya Sabha) and the legislatures of 11 of the 24 states, and participates in the ruling coalition of one more state. The state government of Mizoram was dissolved in August to make room for an interim coalition government as part of a political settlement designed to end the 20-year old Mizo insurgency. Also, negotiations between center and state politicians led to the end of direct rule from New Delhi and the reinstatement of Farooq Abdullah as Chief Minister of the state of Jammu and Kashmir in November and an agreement to hold elections in the spring of 1987.

The Indian economy is mixed. Banks, air and rail transport, public utilities, and much heavy industry are owned and operated by either the central or state governments. The agricultural sector, manufacture of consumer goods, and services other than financial are largely in private hands. Some rules regulating private economic activity have been relaxed under the present administration.

India is a secular state. Approximately 83 percent of its population are Hindus and 11 percent Muslims with smaller proportions of Jains, Buddhists, Christians, Parsis, Sikhs, and animists.

The most serious human rights concerns in India in 1986 were due to the intercaste violence linked to criminal elements, especially in the state of Bihar; the continuing violence in the Punjab; the emergence of communal and quasi-religious gangs as a political force; and the difficulty of controlling and punishing police mistreatment of arrested suspects.

Social tension in Bihar has given rise to extralegal violence by some landlords with links to criminal elements and politicians, sometimes in league with local police, against disadvantaged classes seeking improved economic and social conditions. Two multiple killings attracted press and public attention. The state government has yet to demonstrate its effectiveness in either controlling the violence or resolving the underlying social tensions.

In the Punjab, the Akali Dal government of Surjit Singh Barnala has stayed in power with the support of the Congress (I) in spite of splits within the Akali Dal. The center and state governments continue to wrestle with the implementation of the Punjab Accord--the agreement reached in 1985 containing provisions for settling the major points of contention between the Sikhs and the Government--which is hampered by the competing demands of various interested parties. Sustained police action under emergency powers brought an apparent reduction in the overall level of political violence in that state, but the murder of 22 bus passengers by Sikh terrorists November 30 heralded an upsurge of violence at the end of the year. G. S. Tohra, a member of the breakaway Akali Dal (B) faction opposed to the Barnala government, was arrested December 2 along with several others on charges of supporting

terrorism and advocating violence. On December 5 the Punjab and center governments promulgated new rules under the existing Terrorist and Disruptive Activities (Prevention) Act of 1986, giving them sweeping new powers to combat terrorism, including providing for the death penalty for terrorist acts resulting in the death of the victims, authorizing the tapping or disconnection of the telephones of suspected supporters of terrorist acts, and prohibiting the publication of material derived from terrorist-related sources.

Some political leaders in Punjab claim that police efforts have resulted in the deaths of persons with no clear terrorist connection. This claim is disputed by police authorities. The level of terrorism elsewhere related to the Punjab has declined, although incidents such as the murder of retired Army Chief of Staff General A. S. Vaidya in August and the October 2 attempt to assassinate Prime Minister Rajiv Gandhi continue to plague India.

Major Hindu-Muslim communal violence occurred during the year in Ahmedabad, Allahabad, and Bangalore. Hindu-Sikh clashes in Delhi occurred periodically, including after the murder of several bus passengers in the Punjab in August. From time to time reports continue to appear in the press of murders of untouchables by higher-caste Hindus.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

The Government does not engage in political killing. On the other hand, political action in India often involves violence. Violence which on the surface seems to be communal or caste-related often has political links.

Intercaste and political violence in the eastern state of Bihar was reported prominently in the press during the year. In April 23 people were killed by police at the village of Arwal. While police claim that a mob was attacking a station, some observers report that the crowd was holding a rally in a schoolyard. In July 10 lower-caste people in Kansara village were killed by upper-caste people, reportedly in retaliation for the murder of a landlord over fishing rights. The police did not begin their investigation until 48 hours after the killings. Some observers note a nexus between certain politicians, criminal gangs, and some landlords in rural areas, using private armies and local police to resist demands for social and economic change. According to several press reports, 77 persons died in clashes with Bihar police over a 12-month period; over 2,100 attacks against lower-caste persons were reported. In turn, lower castes have increasingly joined the activities of radical organizations. The Bihar state government has not been effective in coping with the violence. The state assembly, in which sit some politicians associated in the press with these abuses, denied a motion to debate the Arwal massacre. Two ultra-leftist organizations in August organized a "gherao" (a form of protest) over the Arwal massacre. The state government banned these organizations and detained more than 18,000 of their members throughout the state. The state then banned all private armies in Bihar, but many apparently continue to operate.

INDIA

In the Punjab, both Hindus and Sikhs continue to be victims of violence. Sikh terrorist organizations appear to be systematically targeting local Hindu political and community leaders. The Government, during the most recent session of Parliament, passed a law allowing the report of the commission charged with investigating the 1984 anti-Sikh riots to remain secret. The Government has not yet begun prosecuting persons believed to have instigated these riots.

In West Bengal, armed state police and supporters of the ruling Communist Party of India (Marxist) and the cadre and supporters of the so-called Gorkha National Liberation Front regularly resort to violent action in connection with the agitation for autonomy for Nepali-speaking areas.

Law and order in the Indian system is primarily the responsibility of the various states. The quality, training, and even-handedness of police vary from state to state, as does the willingness of political authorities to restrain political violence. The decision to institute judicial proceedings in cases of politically related violence also often appears to be heavily political. In any event, judicial processes are lengthy.

b. Disappearance

Some Sikhs claim that the Government has not yet accounted for a small number of people seized during the Golden Temple operations in 1984 and subsequent security operations in the Punjab.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and cruel treatment are prohibited by law in India. Indian case law excludes confessions or information extracted through the use of force or torture from being admitted in court. Throughout 1986, however, the press continued to report abuse of prisoners and suspects by police in many Indian states. In December 1985, the disclosure of the blinding of 31 persons awaiting trial in Bihar, which had occurred in 1980 and 1981, led to the suspension of 16 officers. The officer who reported the allegations was allegedly among those suspended. The Indian press continues to cite the police in the southern state of Andhra Pradesh as particularly brutal. In January the death in police custody in Delhi of a young Sikh accused of harboring a suspect involved in a political assassination raised charges by human rights organizations, members of Parliament, and the press that his death resulted from torture. Other reports accused the police of staging fake encounters with terrorists to cover up deaths in police custody and attributing deaths in custody to incorrect causes. In a violent incident outside a Sikh temple in New Delhi December 5, a truck with four occupants, apparently Sikhs, ploughed through police lines and crushed to death three members of the Central Reserve Police Force. Police fired to control the crowd, killing several people, and, in defiance of Delhi police orders, beat to death one of the truck's occupants. While center and state governments do not formally condone police abuses, there have been few official inquiries into such incidents and allegations.

Prisons are crowded, prison conditions are poor, and pretrial detention may last for an extended period of time. Press

reports include claims of sexual abuse of female prisoners and use of prisoners by prison officials for domestic labor. The penal system grants different privileges to different categories of prisoners. Political prisoners and foreign nationals are provided less crowded cells, better food, and some amenities such as access to publications. Governmental response to charges of police brutality varies from state to state.

d. Arbitrary Arrest, Detention, or Exile

Under the Constitution, an arrested person must be informed of the grounds for arrest, given the right to be represented by counsel, and produced before a magistrate within 24 hours of arrest. At this initial appearance the accused must be either remanded for further investigation or released. These provisions are generally respected.

The enactment of preventive detention laws in the event of threats to public welfare and national security is permitted under the Constitution. Such laws provide for limits on the length of detention, usually 12 months, and for judicial review of such detention. Two such laws are in force. One permits arrest of economic offenders; this is rarely used. The second, the National Security Act (NSA), permits detention of security risks. To be released from detention under this law, a court must determine that all grounds for detention are invalid. Upon expiration of the detention order, an additional order can be issued for another 12 months, making it theoretically possible for a detainee to be held indefinitely without trial. The NSA has been used in the Punjab, but most of those held have been released by the state government. The union government has, however, kept 360 persons arrested during Operation Bluestar (the June 1984 army action at the Golden Temple, the Sikh's holiest shrine) in detention without charges at Jodhpur (Rajasthan) jail.

Incommunicado detention is practiced under the Terrorist Affected Areas Act, which applies to the Punjab and Chandigarh. All detainees have the right to have their detention reviewed by courts.

Exile is not practiced as a punishment in India. Forced labor is in effect prohibited by constitutional provisions establishing the "right against exploitation" as a fundamental right of Indian citizens and is not used as a form of punishment.

e. Denial of Fair Public Trial

The Indian Criminal Procedure Code provides for open trial in most cases but allows the judiciary, under certain circumstances, to close proceedings. Such circumstances include proceedings involving official secrets or trials in which statements prejudicial to the safety of the State might be made. Sentences must, however, be announced in public. Generally, Indian legal procedures assure a fair trial, although the process can be drawn out. Defendants have the right to choose counsel from an Indian bar that is fully independent of the Government. Effective appeals channels exist at all levels of the judicial system.

The vigor of the Indian judicial system is demonstrated by the active and comprehensive defense and appeals process being

provided those accused of the murder of the late Prime Minister Indira Gandhi, certainly by far the most prominent judicial proceeding in the past decade. There were no reports of any prosecutions in 1986 under the 1984 Terrorist Affected Areas Act, which had brought special courts and judicial procedures to cases in areas with widespread and prolonged civil disturbances.

Courts martial have continued to try Sikh military personnel who deserted after the 1984 raid on the Golden Temple. The Punjab Accord calls for a "rehabilitation process" to be provided for those discharged from the army after their desertion. Major progress has been made in carrying out this process, and the army has agreed to extend full benefits of army group insurance to the families of those soldiers who were killed following their desertion in June 1984.

Judges in the Indian judicial system are selected by the Law Ministry following consultations with the Chief Justice of the Supreme Court.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under Indian law, warrants are normally required for searches and seizures. In a criminal investigation, however, police may conduct searches if there would be undue delay, but must justify search without a warrant in writing. There have been no reports that this right is abused. Unannounced midnight raids on homes and businesses by tax authorities to seize records and evidence drew criticism in 1986; procedures for such raids reportedly have since been modified. Under "Disturbed Areas Legislation," the authorities continue to have special powers in the Punjab to search and arrest without warrant and to shoot to kill under certain circumstances.

Surveillance of communications, including tapping telephones and intercepting personal mail, is authorized by law "on the occurrence of any public emergency or in the interest of the public safety or tranquility." Censorship of mail is legal in certain circumstances, such as a public emergency. Except in these circumstances, the Government does not normally interfere in the private lives of Indian citizens.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution guarantees the right of free speech. Freedom of the press is derived by extension of freedom of speech. The Government can proscribe printed material which in its view may incite religious or communal hatred.

Films are reviewed by a film censorship board before being licensed for distribution. The board censors material deemed overly violent or offensive to either public morals or to religious or communal sentiment. Radio and television are government monopolies. Opposition parties often accuse both media of favoring the ruling party.

The print media reflect the full spectrum of opposition viewpoints. Many parties control their own papers or journals. There are no restrictions on criticism of the Government in the lively and free Indian press.

b. Freedom of Peaceful Assembly and Association

The Constitution protects the right of peaceful assembly and the right to form associations, including unions. These rights are respected. Government authorities sometimes require permits and notification prior to holding parades and demonstrations. At times of civil tension, local governments can ban public assemblies and impose curfew. Ordinarily, governments respect the right to protest peacefully, including such traditional Indian forms of protest as "gherao," in which an office is surrounded by protesters who allow nobody to enter or leave, and sit-downs blocking public thoroughfares.

The Industrial Disputes Act of 1947 and the Indian Trade Union Act of 1926 established the right for labor to organize, bargain collectively, and strike. Under the Essential Services Maintenance Act, the Government can ban strikes and require conciliation or arbitration in 16 essential industries. Five percent, or approximately 14 million, of India's work force belong to labor unions. This represents roughly half of the workers in the so-called modern industrial sector of the economy. Four-fifths of India's work force, however, is in the rural sector, where organization is difficult. The Government, labor unions, and employer organizations all play a role in developing labor policy and industrial relations norms.

Unions and professional bodies are free to maintain contact with international bodies. The Indian National Trade Union Congress and the Hind Mazdoor Sabha are affiliated with the International Confederation of Free Trade Unions. The All-India Trade Union Congress, associated with the Communist Party of India, is affiliated with the Soviet-supported World Federation of Trade Unions (WFTU) and the Centre of Indian Trade Unions, associated with the Communist Party of India (Marxist), attends WFTU meetings as an observer. In recent years Indian unions have complained several times to the International Labor Organization's (ILO) Committee on Freedom of Association, charging violations of ILO conventions and recommendations. Such complaints are usually presented by the Marxist unions. The Government has cooperated in the Committee's investigations.

c. Freedom of Religion

India is a secular state in which all religious groups have the full right to worship freely. Government policy normally does not favor any one religious group, but communal tensions based on religious differences continue to be a social problem and pose challenges to the overall secular posture of the Indian polity.

There is no bar to proselytizing by Indian Christians, but the Government appears to be limiting the number of foreign missionaries. During 1986 some foreign missionaries engaged in social work among disadvantaged communities were expelled on the orders of state governments. Indian religious organizations may maintain communication with coreligionists abroad. Financial contributions from abroad are subject to scrutiny and licensing by the Ministry of Home Affairs. In a case that attracted national attention and produced political controversy, the Supreme Court ruled that two students of the Jehovah's Witness faith could not be expelled from school for refusing to sing the Indian national anthem.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Indian citizens enjoy full freedom of movement within the country, except in certain sensitive border areas for which special permits are required. Foreign travel and emigration are without political restrictions. Millions of people of Indian origin now live abroad.

To enter India, a visa is required of almost every person who is not an Indian citizen. Foreigners must obtain special permission to visit the Punjab and are prohibited from visiting sensitive border areas. Foreign journalists accredited to India may travel to Punjab without prior permission.

India has admitted millions of refugees and displaced persons since 1947 and accepted most for citizenship, integrating them fully into Indian society. The most recent migrations have been from Bangladesh into Assam and other northeastern states and from Sri Lanka into Tamil Nadu. The Assam state government has undertaken to identify foreigners who have entered that state with a view towards repatriating them. Tamils from Sri Lanka in Tamil Nadu are provided shelter and subsistence by the Government.

In addition, several thousand Afghans have entered India since the Soviet invasion in 1979. India does not recognize them as refugees, but there has been no evidence of forcible repatriation. Many have traveled onwards from India to third countries.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Indian people clearly rule in India through a multilayered but firmly democratic parliamentary system. The Constitution provides for full adult universal suffrage. Elections are held regularly at every level. A parliament can be constituted for not more than 5 years.

On the advice of the Prime Minister, the President can declare "President's Rule," i.e., a state of emergency, in the event of war, external aggression, internal disruption, collapse of the constitutional machinery in any state, or financial breakdown of the central or any state government. President's rule was established in the state of Jammu and Kashmir in September 1986, following 6 months of Governor's Rule, but state control was reinstituted in November.

Although the ruling Congress (I) Party holds a firm majority of seats in Parliament and in 11 of India's 24 state governments, it faces an articulate and active, if fragmented, political opposition. Parties represent a broad range of the political spectrum and a full mix of ethnic, linguistic, and religious outlooks.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no reports of international investigations of human rights problems in India during 1986. India is a member of the U.N. Human Rights Commission. Independent Indian human

rights organizations include the People's Union for Civil Liberties and the People's Union for Democratic Rights, which send teams to study specific incidents involving alleged human rights abuses. Some press reports claim that on occasion representatives of human rights organizations are harassed by state governments who regard their activities as politically sensitive and thus "subversive."

Several women's groups monitor the status of women. During 1986 they continued their agitations against "dowry deaths," and participated in the political discussion regarding legislation that reaffirmed the applicability of traditional Muslim law to marriage and divorce within India's large Muslim minority. The most active independent channels for addressing human rights issues continue to be the Parliament and the very active Indian press. Members of Parliament investigate allegations of police brutality, exploitation of and violence towards members of the lower castes and untouchables, tribal policy, women's rights, and violations of Sikhs' human rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Indian law guarantees women equal rights and legal protection. Nonetheless, there has been a decline in the ratio of women to men in the population. Female infant mortality is higher and women die earlier than men. These factors relate to the higher economic and social value placed upon males and the relative neglect given women's nutritional and health needs.

In recent years, attention has been focused on the practice of "dowry deaths," i.e., deaths under suspicious circumstances of women unable to provide the additional dowry sometimes demanded by the husband's family after marriage. Increasing attention to this phenomenon has encouraged police to investigate these cases as murders rather than accidents.

There are no legal barriers to female candidates for public office, although their numbers have remained small since independence. The late prime minister, Indira Gandhi, was a woman, and there are moderate numbers of women in both houses of Parliament.

Government programs designed to improve the lot of the so-called "scheduled castes," which make up 15 percent of the population, have met only partial success. In some cases, upper-caste communities have mobilized against the upward mobility of the disadvantaged, with violence sometimes resulting. Political controversy surrounds the definition of those castes, tribes, and classes which should be granted preference in education, employment, and housing. This violence and controversy relates in part to perceived threats to the economic position of the higher-caste groups. In recent years, the central Government has increasingly attempted to strengthen the legal protection accorded to the underprivileged and often victimized groups. In several states, the system of reservations for disadvantaged castes is manipulated for political gain by party and community leaders.

Minority religious groups continue to claim to be victims of discrimination. Sikhs traditionally have been fully integrated into Indian society and have been notably successful in agriculture and the professions, particularly the armed services. Terrorist violence, however, has increased tensions

and distrust between Hindu and Sikh communities, leading to spontaneous outbreaks that have resulted in damage to property, injuries and deaths. The police forces have had difficulty containing some outbreaks but there is no evidence to support the charge of government involvement in this violence. The activities of Sikh militants in Punjab and elsewhere has led the Government to take measures to control the terrorism and, although they are treated equally under the law, Sikhs, particularly young males, continue to be subjected to more rigorous security precautions than others in certain circumstances (e.g. airport security).

Muslims accused the Government earlier this year of interfering in Muslim personal law, which is protected by the Constitution. After attempting to change the divorce laws governing Muslims to conform to civil law, the Government withdrew its highly controversial proposal and maintained the community's right to follow Islamic tradition.

CONDITIONS OF LABOR

Although India is a leader in legislation protecting labor, certain categories of labor abuse remain common. Bonded labor, illegal since 1976, continues. Most commonly, bondage arises from debt incurred at usurious rates and continued through a lifetime of renewal of these debts. Bonded laborers are most commonly employed in agriculture and construction. Estimates of the number of bonded laborers range from 500,000 to 2,500,000. The Government encourages states to take measures to detect, release, and rehabilitate bonded laborers and offers financial support for state programs.

Forced labor has been defined by a Supreme Court decision as labor for remuneration at less than the minimum wage. Under this definition, forced labor is widespread throughout India, especially in rural areas. Minimum wages, however, are established by the states through wage advisory boards for "nonmodern" sectors such as agriculture. Minimum wages thus vary widely from state to state. Enforcement of even these low rates is poor. In many more modern industries, wage rates are set through collective bargaining of employers and trade unions reflecting supply and demand.

Although illegal, child labor persists, a function of poverty and the lack of compulsory education. According to a survey of the Labor Department, 1 out of every 4 children between 5 and 15 is employed.

With the Factories Act of 1948, India established an 8-hour workday, a 48-hour workweek, and minimum standards for occupational safety and health. These standards are generally enforced and accepted in the modern industrial sectors but are less accepted in older, less cost-effective industries. Standards are generally not observed in small industries, largely because of the rapid growth in this sector and the small number of inspectors.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: INDIA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	213.3	190.9	93.5
LOANS.....	61.5	59.3	48.0
GRANTS.....	151.8	131.6	45.5
A.AID	87.5	88.6	93.5
LOANS.....	61.5	59.3	48.0
GRANTS.....	26.0	29.3	45.5
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	125.8	102.3	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	125.8	102.3	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	125.8	102.3	0.0
E.RELIEF.EC.DEV & WFP.	10.7	11.5	0.0
VOL.RELIEF AGENCY.....	115.1	90.8	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.1	0.3	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.3	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.1	0.3	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	213.4	191.2	93.5
LOANS.....	61.5	59.3	48.0
GRANTS.....	151.9	131.9	45.5
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	2789.4	2542.7	2534.2	25839.7
IBRD	1721.4	1674.0	1743.2	10668.5
IFC	43.7	34.7	65.9	390.5
IDA	1001.0	672.9	625.1	13953.5
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	100.0	100.0
AFDB	0.0	0.0	0.0	0.0
UNDP	23.3	20.7	0.0	265.2
OTHER-UN	0.0	140.4	0.0	462.0
EEC	0.0	0.0	0.0	0.0

IRAN*

The human rights situation in Iran in 1986 was exacerbated by the ongoing war with Iraq, a war which began in 1980 and continues with little hope for an end in the near future. The war has resulted in hundreds of thousands of casualties, massive population displacement and refugee problems for the Government, and billions of dollars of loss due to missile and bombing attacks. Costly in human and economic terms to both sides, the Iranian refusal to negotiate a settlement with the present Iraqi regime has caused a prolongation of hostilities which are severely disruptive and affect every facet of civilian life. Insurgency in the ethnic Kurdish area of Iran and urban terrorism by groups opposed to the Khomeini regime also cause civilian casualties and property damage. Seemingly random bomb attacks, often perpetrated by these groups in strictly civilian and public places, only add to the violence and suffering caused by the war.

Iran is officially an Islamic Republic under the leadership of Ayatollah Ruhollah Musavi Khomeini. Its formal system, based on the Constitution approved in 1980 by popular referendum, follows a parliamentary pattern with a legislature, the Majles, and a president elected from among multiple candidates by universal suffrage. However, only candidates meeting highly restrictive religious and political criteria are permitted to contest elections, and the choice offered to voters is limited. The regime's hold on power is reinforced through arrests, executions, and other forms of intimidation.

The regime is dominated by a political elite composed of Shi'a Muslim clerics who support Khomeini and of laymen aligned with these clerics. The regime, however, is not monolithic, and there are major differences on theology and on economic issues such as private property ownership, government versus private control of foreign trade, industrial policy, and strategy for the war with Iraq.

Eight years after the 1979 ouster of the Shah and the advent of the Islamic Revolution, the Iranian regime still considers itself revolutionary but must grapple with the need to revive the economy and operate political and social institutions, both new and old, in a productive manner. Iran is an oil-rich developing country. The disruptions of the revolutionary period and the war have caused serious economic deterioration. Inflation and unemployment are high, and corruption and black market activities flourish.

Although the trend is toward greater adherence to constitutional guarantees of human rights, particularly since December 1982, Iran's human rights record in 1986 continued to show serious abuses.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Reliable statistics were not available on the number of people killed for political or religious reasons in 1986. Due to the

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* Because of the absence of a United States Mission in Iran, this report draws heavily on unofficial sources.

lack of procedural safeguards for defendants tried in revolutionary courts, which handle virtually all political cases, most of the executions ordered each year by such courts amount to summary executions. It is also difficult to separate cases of executions for participation in violent activities or narcotics trafficking from executions based purely on the defendants' beliefs, statements, and associations, given the regime's practice of cloaking the latter category with trumped-up charges from the former.

In its 1986 Report, Amnesty International expressed concern about the continuing large-scale executions of prisoners in Iran for both political and nonpolitical offenses and said it had learned of 470 executions in 1985. Noting that executions on political grounds were rarely made public in Iran, Amnesty International expressed its belief that the actual number of executions was considerably higher than the 470 of which it was informed.

Political killings have also been perpetrated by opposition groups, including the Mojahedin-e-Khalq, which appears to be the most active antiregime organization in Iran.

b. Disappearance

No information is available on the number of disappearances in 1986.

Disappearances are seldom permanent in Iran. People are arbitrarily arrested or carried off, held without charge, and some are summarily executed; the society, however, is not tightly controlled, so a persistent relative can usually determine who was responsible for the arrest and locate the detainee.

There are, however, some cases of long-term disappearance. One report obtained by Amnesty International stated that sometimes opposition members are listed as "killed while resisting arrest," when in fact they are still alive and in jail. Most such arrests are believed to be the work of the Revolutionary Guard and to be sanctioned by the regime.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Stories of torture in Iran's prisons are rampant and cover a wide range of inhuman practices, particularly in Tehran's Evin Prison, Iran's largest and most notorious. Mock executions reportedly have been a favorite method of torture there, along with blindfolding and solitary confinement. Beatings of all kinds appear to be common. Allegedly, prisoners are beaten on the soles of their feet until they can no longer walk; others have had damaged kidneys as a result of being kicked and beaten.

This torture apparently occurs in government prisons or in government houses in which prisoners of special interest are held for questioning. Presumably it takes place with the sanction of top officials. Many of these reports come from individuals who themselves were in the prisons and who, in some cases, experienced the torture.

The regime continues to revise Iran's civil code to conform more closely with its interpretation of Islamic law. In 1985 the Government announced the development and inauguration of a

new machine for surgical amputation of the hands of convicted thieves. As interpreted in Iran, this punishment consists of amputation of the four fingers of the right hand. There were subsequent announcements of the occasional use of this device. Death by stoning reportedly has been reinstituted as a punishment for certain crimes against morality. There are many reports of floggings, both as a means of torture and as a formal punishment for sexual offenses.

In its report, "Torture in the Eighties," Amnesty International expressed concern that torture has become a routine practice in at least some Iranian prisons and noted in particular two kinds of ill-treatment of prisoners: the officially sanctioned punishment of prisoners by whipping, and the torture of prisoners held in incommunicado detention during interrogation to extract confessions.

Iran holds an estimated 45,000 to 60,000 Iraqi prisoners of war (POW's). Former prisoners have reported that Iran regularly subjects POW's to whippings, random executions, and psychological torture.

d. Arbitrary Arrest, Detention, or Exile

Although arrests for expression of views critical of or different from those of the Government have decreased during the past several years, opposition to the regime itself or to an Islamic form of government still remains grounds for arbitrary detention. If there is a formal accusation, the charge is usually subversion, antiregime activities, or treason. There is also evidence that some persons are arrested on trumped-up criminal charges (for example, on drug charges) when their actual "offenses" are political; the lack of fair trials and other procedural safeguards encourage such a practice.

Political arrests are made by members of the Revolutionary Guard or, less commonly, by members of komitehs, local neighborhood groups which have assumed a quasi-official role. There normally are no warrants for political arrests. No judicial determination of the legality of detention exists in Iranian law. Suspects are held for questioning at local Revolutionary Guard offices or in jails. In some cases a mullah (a religious official) is involved, in others unidentified questioners, sometimes including torturers. It is unclear whether this questioning constitutes a trial by a revolutionary court or whether it is part of the investigation process. Sometimes defendants are released after several hours or days, but the process may be repeated two or three times before the authorities decide the detainee is innocent or that he is guilty and should be jailed.

A number of foreigners (including two Americans) were arrested in Iran during 1986, one for allegedly spying. (At least one other American has been imprisoned in Iran since 1984). These foreigners sometimes appear to become pawns in power struggles between various leaders and factions, with release dependent on how long it takes for their usefulness in this regard to be exhausted. The Iranians do not regularly grant consular access to these persons, nor do they notify the embassies involved that their nationals have been detained.

Information as to whether forced labor is used in Iran is unavailable.

e. Denial of Fair Public Trial

Most of those arrested have a trial of some sort, but although so-called trials of major opposition figures have sometimes been telecast, no trial by a revolutionary court can be called fair or public. If the trial is given publicity, it is generally because the prisoner has already been forced to confess to crimes.

Restraints on arbitrary actions of the revolutionary courts were reportedly severely weakened in 1985 by a decision to limit the review authority of the Supreme Court. Formerly, all cases decided by the revolutionary courts were subject to review by the Supreme Court, permitting improper decisions to be overturned, but under the new decision the Supreme Court can only examine those cases which are recommended for review by the Supreme Judicial Council, which consists of the Chief Justice, the Prosecutor General, and three mullahs. The judicial system is further weakened by the fact that revolutionary courts can consider cases formally under the jurisdiction of the civil and criminal courts. Assignment of cases to regular rather than revolutionary courts is haphazard and apparently occurs mainly when arrests are made by regular police. Revolutionary courts can also overturn the decisions of civilian courts.

For common criminal offenses, many elements of the prerevolutionary judicial system survive, and the accused often have the right to a public trial with benefit of lawyers of their own choosing, assuming they can afford the fee. Even this judiciary is not fully independent, however. Many of the former judges were retired after the revolution, and new judges selected. One criterion for new judges is grounding in Islamic law, and political acceptability is a requirement for any government position. Favorable verdicts reportedly can often be "purchased" from the judges serving on civil and criminal courts and, to a lesser degree, from judges of revolutionary courts.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government is attempting to remake Iranian society according to Khomeini's interpretation of Shi'a Islam. It rejects the Western distinction between a public sphere which the Government may control and a sphere of private life (religion, culture, thought, and private behavior) which the State may not properly control. The regime defines itself as Islamic and attempts to enforce a way of life asserted to be Islamic.

Since Khomeini's eight-point decree of December 1982, Iranians have enjoyed greater freedom in their private life. One of the eight points provided that no one had the right to enter private homes without a warrant. An exception was made for suspected hideouts of opposition groups. The decree did say that if Revolutionary Guards entered a home believing it to be an opposition hideout and found they had made a mistake, they were to depart, even if they had found evidence of un-Islamic activities, such as the presence of alcoholic beverages. The decree also stated that mail should not be opened nor telephones tapped unless there was good reason to suspect antiregime activities. Homes are still entered, mail is still opened, and phones are still tapped, but much less so than previously. Moreover, Iranians now have a decree by Khomeini

on which to base complaints. A Headquarters for the Enforcement of the Imam's Decree was set up, as were a number of provincial and local offices. These offices, which may still be in operation, are said to have received thousands of complaints about violations of rights of privacy.

Special Revolutionary Guard units check on social activities. Women whose clothing does not completely cover the hair and all of the body except hands and face, or who wear makeup, are subject to arrest. If they are, in the words of the Prosecutor General, "reformable," they may be lectured and released. If considered defiant, they may go to jail.

The schools are reportedly used by the regime to assure that students' families behave in an "acceptable, Islamic manner." Children are asked about the habits of their parents, and un-Islamic behavior is reported to Revolutionary Guard units.

Neighborhood komitehs, which originally acted as "block wardens," monitoring the activities of residents, seem to be less active now. There have been efforts to disband them and many may have, in fact, disappeared.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution states that "publications and the press may express ideas freely, except when they are contrary to Islamic principles, or are detrimental to public rights." In practice, most publications are controlled by the Government or by the Islamic Republican Party, and the remaining independent publishers run the risk not only of press shutdowns and confiscation of publications and equipment but of arrest and summary punishment if they are overly critical of the regime. Examples of such punishments were sufficiently numerous in past years to retain a chilling effect. All books are required to be submitted to the Ministry of Islamic Guidance for censorship before they can be published. Publishers, authors, and printers also engage in substantial "self-censorship" before submitting books to the Ministry in an effort to avoid the substantial penalties, including economic losses, incurred when books are rejected.

While there are competing newspapers in Iran, and officials and policies of the Government are often subjected to public criticism, newspapers are forbidden to criticize Khomeini and the concept of the Islamic republic, or support the right of self-determination for any ethnic groups in Iran. Nevertheless, some independent publishers out of favor with the regime continue to survive, and some books and pamphlets critical of the regime are published without reprisal. Foreign books, newspapers, and magazines may be imported only after official review.

All broadcasting facilities are government owned.

Academic freedom has increased in the last several years. Universities operate under looser constraints than in the past, but the regime remains committed to the elimination of all un-Islamic influences. As part of the admissions process, all Muslim students must pass examinations that demonstrate knowledge of the Koran and Islamic precepts. All textbooks are reviewed to determine their acceptability.

b. Freedom of Peaceful Assembly and Association

Although the Constitution permits unarmed assemblies and marches "provided they do not violate the principles of Islam," the only ones permitted in practice are those sponsored by the Government, such as Friday prayers and sermons and parades on official occasions. As in the past, there were numerous demonstrations of public protest in 1986, but these were forcibly dispersed. The Constitution permits political parties, groups, professional associations, and both Islamic and minority religious associations, but most independent organizations have either been banned, co-opted by the Government, or are moribund. Restrictions on freedom of speech and assembly discouraged the participation in the 1984 parliamentary elections of any party other than the semiofficial Islamic Republican Party (IRP).

There were until recently no legal labor unions, although some unauthorized unions had been organized and were active. However, a new national labor union, the Islamic Union, was reportedly created in late 1985 under a law enacted by the Majles. All economic concerns with a minimum of 50 employees are permitted to have a branch of the new union, whose goal is said to be to protect workers' interests and further their professional development. Nominally independent, it reportedly is controlled by the Labor Ministry.

It is also believed that there are officially sanctioned "Islamic workers councils" in some factories. These, however, are more instruments of government control than bodies that represent workers' interests, although they have frequently been able to block layoffs or firings of workers.

c. Freedom of Religion

Iran terms itelf an Islamic republic, and religion is closely intertwined with government. Grand Ayatollah Khomeini is recognized as the supreme leader, and this position is viewed as having something akin to divine sanction. The President and many other top officials are mullahs, as are the Speaker of the Majles and nearly half the Majles deputies.

Approximately 90 percent of Iranians are Shi'a Muslims. Aside from slightly over 1 percent who are non-Muslims (Baha'is, Christians, Zoroastrians, and Jews), the rest are Sunni Muslims. The Sunnis are mostly Kurds, Arabs, Turkomans, Baluch, and other ethnic minorities. Their political influence is very limited. The Constitution declares that "the official religion of Iran is Islam and the sect followed is Ja'fari Shi'ism," but it also states that "other Islamic denominations shall enjoy complete respect." Although Sunnis have encountered religious discrimination on the local level, the regime has made efforts to reduce Shi'a-Sunni antagonism.

Tests of Islamic knowledge and orthodoxy, required in the early postrevolutionary years for public or semipublic employment, have been dropped in recent years on the grounds that they conflict with the constitutional provision that "the interrogation of people regarding their beliefs is forbidden." This provision is ignored, however, in the treatment of members of the Baha'i faith.

The Baha'i religion is considered heretical in Iran, and since the Revolution the Baha'is, Iran's largest non-Muslim minority (300,000-350,000 members), have suffered severe persecution,

mainly government-directed and aimed at the religious leadership. In August 1983, the Prosecutor General issued an order that effectively bans all Baha'i religious activity and provides the legal foundation on which virtually all members of the faith can be charged with crimes. Baha'i property has been confiscated, shrines demolished, businesses disbanded or confiscated, and known Baha'is denied public-sector employment and social services. Baha'i marriages are not recognized. Participation by Baha'is in social welfare organizations is forbidden, their businesses are outlawed, and teaching of the faith is not permitted. Although the Baha'i national leaders dissolved the community's organizations in obedience to the Prosecutor General's edict, they were subsequently arrested, and at least some were executed.

Many ordinary Baha'is have also been arrested. Charges are vague: "crimes against God," "corruption on earth," "warring against God," and "Zionism" are among the most frequent. The real reason for the arrests seems to be practice of Baha'ism. As of October 1986, 750-800 Baha'is were in jail. Approximately 200 have been executed or have died following torture since the beginning of the revolutionary period; at least 3 Baha'is were executed during 1986.

The small Christian, Jewish, and Zoroastrian (the pre-Islamic religion of Iran) populations are concentrated mainly in urban areas. Their religions are recognized by the Constitution, and they elect representatives to seats reserved for them in the Majles. They are permitted to practice their religions, to instruct their children, and, although with a great deal of disruptive interference, to maintain schools. There continue to be reports of officially sanctioned discrimination against these minorities, particularly in the areas of employment and public accommodations, and of severe discrimination by the Government against Muslims who have converted to Christianity. Jews are subject to travel restrictions which are not applied to members of other recognized religious groups.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Iranians may travel to any part of Iran, except for the war zone on the border with Iraq and, in times of heavy fighting, some Kurdish areas. Such limitations as exist are for purposes of military security. Persons may also change their place of residence without obtaining permission.

Travel outside Iran is considerably easier than before the spring of 1983. Khomeini's decree of December 1982 included the right to travel abroad. Prior to that time passports and exit visas had been difficult to obtain. Males of draft age are not issued exit visas except for approved courses of study, and Iranians who are politically suspect, such as some retired military officers and high level public officials under the former regime, may not be able to leave. Persons who have not repaid loans obtained from development banks under the old regime are also denied exit visas. Reportedly some Iranians, particularly those with skills in short supply and who were educated at government expense, are required to post bonds to obtain exit visas. Jewish Iranians are permitted to obtain passports and to travel, but they are normally denied the multiple-exit visas given to most Iranians and must make a fresh application (with a fresh fee) for each planned trip. Permission is not normally granted for all

members of a Jewish family to travel outside Iran at the same time.

With the exception of some with close ties to the former regime, Iranians are generally able to return after long periods abroad without reprisal. Not all citizens who leave, however, are guaranteed the right to return. Iranians suspected of close association with the old regime have encountered problems obtaining new passports, and there are unconfirmed reports of arrests on their return. However, numerous other immediate relatives of persons wanted by the regime seem able to live in Iran, travel outside, and return without undue difficulty, and in recent years many who fled at the time of the revolution have returned and have sought, through the Iranian judicial system, the return of their properties.

Iranian passports have always been stamped "not valid for emigration," but the Government does not make a clear distinction between legal residence in another country and emigration. According to the regulations, Iranians with a legal residence outside Iran may be issued passports and advance exit visas by the Iranian embassy, consulate, or interests section in their country of residence. Iranians who have acquired U.S. citizenship are considered Iranian (in effect dual nationals) unless they have formally renounced their Iranian citizenship in accordance with Iranian law. Dual nationals have complained that the Iranian Interests Section in Washington will neither give them visas in their U.S. passports nor issue them Iranian passports and exit visas on the grounds that their residence in the U.S. is not legal because, according to Iranian law, they emigrated illegally. Although such services may be denied, there are no known instances of the denial of Iranian citizenship to Iranians who left Iran, or to those who have remained there.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Iran is ruled by a group of religious leaders and their lay associates who share belief in Ayatollah Khomeini as the supreme leader of the revolution and in the legitimacy and desirability of a theocratic state based on his interpretation of Shi'a Islam. Of Iran's political parties, only the Islamic Republican Party is represented in the Government, and most high-level government officials belong to it. Roughly half the winning candidates in the 1984 Majles elections were members; the remainder were elected as independents.

Beginning a year after the Shah's departure, the revolutionary regime has held elections at fairly regular intervals for president, Majles deputies, members of the Council of Experts (responsible for choosing Khomeini's successor), and members of local government councils. All elections have been hard fought, generally with several candidates for every position. All candidates must be approved by the Council of Guardians, however, and only those meeting the Council's vaguely described political and religious criteria may run. In practice, only supporters of the theocratic state are accepted. There has, however, been considerable diversity of opinion among candidates on economic and social questions.

A presidential election was held in 1985, but the Council of Guardians denied certification as candidates to 51 of 54 applicants. Only the incumbent President, Hojjatollah Ali

Khamenei (Secretary General of the IRP), and two fellow members of the IRP were permitted to run. The President was reelected with a reported 87 percent majority; his majority and voter participation were lower than in the 1981 election.

The independence of the Majles is enshrined in the Constitution and exists to a large degree in practice. While Majles deputies are typically allied with various powerful political and religious officials, they may speak and vote independently and may shift from one faction to another. The Majles holds genuine debates, normally broadcast live on radio, on a wide variety of issues but not, however, including central issues such as the war or the fundamental character of the Islamic Republic. In some cases, laws proposed by the Government have been voted down.

The Constitution provides for a Council of Guardians composed of 12 members, 6 clerics unilaterally appointed by Khomeini, and 6 lay members well-grounded in Islamic law who are nominated by the head of the Judicial Council subject to the Majles' approval. The Council of Guardians must certify all bills passed by the Majles as being in accordance with Islamic law and the Constitution. If bills fail to be certified, they are sent back to the Majles for revision. They cannot become law until passed by the Majles and certified by the Council. The Council has rejected various important bills and portions of bills passed by the Majles, including legislation on land reform, foreign trade, private enterprise, the press code, and reform of the civil code.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is disdainful of foreign human rights groups, government-sponsored or independent, and regards them as a Western means of interfering in the country's internal affairs. Aside from permitting the International Committee of the Red Cross (ICRC) to assist in several small-scale POW exchanges between Iran and Iraq over the past few years, Iran has allowed no visits by any humanitarian groups since January 1985, when a U.N.-appointed team visited POW camps. Since 1984, the Government has refused to allow a U.N. Human Rights Commission special rapporteur to enter Iran to prepare his reports. There are no internal human rights groups.

The ICRC has had access to some POW's, but not to all those believed held in Iran. The U.N. Secretary General has criticized conditions in prison camps in both Iran and Iraq. In October 1986, a Government spokesman announced that the ICRC would be permitted to visit POW camps, and the first visit took place in early December.

Iran was the subject of a critical paragraph in the 1985 report of the International Labor Organization's Committee on the Application of Conventions and Recommendations. Focusing on the treatment of Baha'is and others, the committee expressed concern over Iran's continued failure to comply with the Convention on Discrimination in Occupation and called upon the Government to ensure a policy consistent with the convention.

Amnesty International has written to Iranian officials, including Khomeini, protesting violations of human rights in Iran, but has received no reply.

IRAN

In August 1986, diplomats representing the 12 member states of the European Community made a demarche to the Government expressing their concern at reports of violations of Bahai's human rights. The regime denied the charges.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Always the object of discriminatory practices in Iran's conservative society, women have faced even more discrimination since the Revolution. Ultraconservative dress, entirely hiding the hair and all of the body except the face and hands, is now an absolute requirement for all women, regardless of their religion, national origin, citizenship, or diplomatic status. Women are harassed, detained, or physically attacked if they appear in public in clothing which official or self-appointed guardians of public morality deem insufficiently modest. Employment opportunities for women are more restricted than was the case under the Shah. Women are legally barred from being judges. Although there are cultural barriers making employment in professional level positions difficult to obtain, women do work as lawyers, physicians, and statisticians, and in other professions in both the public and private sectors. Two women serve as deputies in the Majles.

The Family Protection Act, passed under the Shah, was revoked by the Islamic Government and replaced by a civil code reflecting Islamic law. A bill passed in mid-1983 did, however, give women the right to divorce their husbands, and regulations announced in 1984 substantially broadened, to 12, the number of grounds for which a woman may seek divorce. A husband may still obtain a divorce without having to state a reason or go to court. The new marriage regulations provide for improved financial settlements for wives whose husbands divorce them.

As noted in Section 2.c., the Christian, Jewish, Zoroastrian, and Baha'i minorities reportedly suffer officially sanctioned discrimination in a number of areas, particularly with respect to employment and public accommodations. Muslims who have converted to Christianity are similarly discriminated against.

CONDITIONS OF LABOR

Iranian labor law, which exempts agriculture, domestic service, family businesses, and, to some extent, other small businesses, forbids employment of minors under 12 years of age and places special restrictions on the employment of minors under 18 and of women. Under the law, women and minors may not be used for hard labor or, in general, for night work. The labor law also establishes a 6-day work week of 48 hours maximum (except for overtime at premium rates), with 1 day of rest (normally Friday), as well as at least 12 days per year of leave with pay and a number of paid public holidays. There are also legal provisions with respect to minimum wages and health and safety in workplaces. Given the large sectors of the economy exempted from the labor law, the State's still unresolved administrative disorganization resulting from the revolution, the effects of the war with Iraq, and the general lack of labor unions which are both legal and effective, it is unclear to what extent the provisions of Iran's labor law actually affect most of the labor force. Despite the war, unemployment remains high, probably in the 30 percent range.

Information on collective bargaining in Iran is not available.

IRAQ

Iraq is governed by the Arab Ba'ath Socialist Party (ABSP) of Iraq through a Revolutionary Command Council (RCC) which has both executive and legislative authority under the provisional Constitution of 1968. Saddam Hussein holds decisive power as President of the Republic, Chairman of the Council, and Secretary General of the Regional Command of the ABSP.

Iraq contains many disparate groups, most notably Shi'a and Sunni Arab Muslims, Kurds, Turcomans, and various Christian sects, predominantly Assyrians and Chaldeans.

In 1986 the war with Iran continued into its seventh year. Iran continues to reject Iraqi and international calls for a cease-fire. Tight domestic controls imposed by the Iraqi regime in the name of national security remain in effect, including a decree which prescribes the death penalty for anyone who damages the country's military, political, or economic position. Wartime travel restrictions, which prevent most Iraqis from departing the country, also remain in force. Iranian prisoners of war (POWs) in Iraq are estimated at approximately 12,000. Most are believed to be registered with the International Committee of the Red Cross (ICRC), which visits the camps.

The Government exerts a high level of control over the economy, which is dominated by the petroleum sector. The State owns all major industries, including petroleum and banking. However, the small private sector is important in some industries. The regime has been expanding the role of the private sector in the last few years, particularly in agriculture.

The Ba'ath Party's ideological commitment to increased social, labor, and educational opportunities for women and to the protection of religious minorities continues to be translated into practical action. Iraq has continued to state its opposition to terrorism and has said that its support for the Palestinian cause does not signify that it condones terrorism.

Political and individual rights are sharply limited in Iraq. The news media are subject to censorship. Antiregime activity is dealt with harshly, often by extralegal means employed by a large and feared internal security police force and the intelligence services.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Execution has been an established method for dealing with perceived political and military opponents of the Government, particularly members of the outlawed Da'wa Party (fundamentalist Shi'a Muslim) and the Communist Party. In April 1986 Iraq confirmed to Amnesty International the execution of three persons: one, 17 years old, was a member of the Kurdistan Democratic Party, and the other two were members of the Kurdistan Socialist Party-Iraq. They were charged with committing acts of sabotage. There are confirmed reports of the execution without trial of three members of the Iraqi Assyrian community for nationalist political activity. Members of the political elite have also been executed as a result of factional conflict, although no such executions are

known to have occurred since 1982.

In October 1986 the Iraqi Government announced that a high-ranking official in the Oil Ministry and six other people had been executed for corruption.

In 1985 and 1986, the military conducted aerial attacks on Kurdish villages suspected of supporting Iranian military incursions into Iraq or harboring antigovernment guerrillas, resulting in unknown numbers of casualties. From time to time there have been reports of executions of military deserters.

In the wake of Iran's February 1986 offensive around Faw, Iran renewed charges that Iraq used chemical weapons, allegations denied by Iraq. The State Department has repeatedly condemned Iraq's use of chemical weapons. Iraq is a party to the 1925 Geneva Protocol banning use, but not production, of lethal and incapacitating chemical weapons. There are indications that Iraq continues to stockpile lethal agents.

Iraq withdrew its support in 1983 from the Black June Organization led by Sabri Al-Banna, or "Abu Nidal." Iraq officially forswears terrorism, and the Iraqis themselves in recent years have been the victims of several terrorist acts supported by Syria and Iran.

b. Disappearance

Iraqi emigrants have reported that some suspects, particularly those detained by the security police for subversion, disappear following detention. It is difficult in such cases to ascertain whether the suspect was executed or died while incarcerated. In March 1986, Amnesty International published the names of 85 people who disappeared and are reported to have been executed between January 1985 and February 1986.

Antigovernment Kurds in Northern Iraq occasionally kidnap foreign workers and businessmen. Ransom demands have included demands for money, a halt to Western economic cooperation with Iraq, and support for the release of prisoners in Iraq. Victims generally have been released following negotiations involving overseas Kurdish representatives, the victims' employers, and Iraqi security organizations.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and prescribes stiff punishment for it, and the Government rejects charges that it practices torture. Nevertheless, reliable reports make clear that both physical and psychological torture are used by the authorities, especially the security police. Given the rigid chain of command within the Government and security services, it is unlikely that torture could be practiced without the authorization of senior officials.

According to former prisoners, persons detained by the security police for political or security-related matters are frequently tortured and mistreated. Treatment is reported to be worst immediately following arrest and during the period of interrogation and investigation, which can last for months. Torture and brutal treatment are not limited to political cases. Security-related offenses include such routine criminal matters as currency violations.

The security forces' methods of torture, often to extract confessions or information about the suspect and his colleagues, reportedly include beatings with fists and rubber truncheons, electrical shocks to the genitals and other parts of the body, and the extraction of fingernails and toenails. There were reports in March 1986 of ethnic-Assyrian Iraqi soldiers being tortured and executed for desertion.

d. Arbitrary Arrest, Detention, or Exile

The Constitution and legal code guarantee the rights of citizens and place checks on police powers in such areas as arrest, detention, imprisonment, and search. These guarantees are generally respected in criminal cases but have little weight in political or national security cases. Security police not only make arbitrary arrests but also secretly detain suspects, whose fate sometimes has become known only after execution. Charges have included espionage, treason, and conspiracy against Iraq or the party and revolution, often in collaboration with unnamed foreign foes.

In the past, Iraq expelled large numbers of Iranians and Iraqis of supposed Iranian descent. These deportations have ceased; however, those remaining often live under the fear of deportation or incarceration.

Iranian military deserters and civilians who fled to Iraq during the war have been detained and sometimes mistreated. Most of these people reportedly came to Iraq, after long and hazardous journeys through Kurdistan, in response to Iraqi propaganda promising good treatment and easy access to third countries. In response to the decrease in such Iraqi propaganda, the numbers of new arrivals at refugee camps have lessened. There have been frequent allegations that some have been shot or beaten with rubber hoses and metal cables. Some Iranian refugees reportedly have been coerced to collaborate with Iraqi propaganda despite the danger to family members in Iran. When, after many months, these emigres are designated "political refugees," their treatment improves and outside organizations gain access to them.

In recent years Amnesty International has reported the imprisonment or detention of large numbers of Kurds. Many have been removed to resettlement camps. Further, Amnesty International alleged in March 1986 that Iraqi authorities arrested approximately 300 children in the Kurdish town of Sulaimaniya in late 1985 in retaliation for their parents' antigovernment activities or to force their cooperation with the central authorities.

The Da'wa Party, a violent dissident Shi'ite Group, is still proscribed, and its members are subject to incarceration and execution, as are members of other parties believed to be cooperating with Iran.

There is no indication that Iraq uses forced labor. Apart from the expulsion of thousands of residents of Iranian descent in 1980 and earlier, exile is not resorted to as a means of punishment.

e. Denial of Fair Public Trial

Trials in civil, criminal, and religious courts are open. Defendants are entitled to counsel. A lawyer is provided if a

defendant cannot afford one. Charges and evidence are available for review. Appellate courts hear cases not under the jurisdiction of the revolutionary courts. The revolutionary courts, which usually hold closed trials, deal with espionage, treason, smuggling, and drug trafficking. The right of defense in such courts reportedly is severely restricted.

The "special courts" constituted by the Revolutionary Command Council for specific incidents, such as the reported conspiracy against the regime in 1979, are also closed. These special tribunals are apparently exempt from constitutional safeguards of defendants' rights. The right of defense is proscribed; defendants are held incommunicado, and confessions extracted by torture are used against defendants. Appeals can be taken only to the Chairman of the Revolutionary Command Council. However, the availability of this appeal may be questioned, since there are reports that executions take place shortly after trial.

Political dissidence in Iraq is taken by the authorities to encompass a wide range of activities and, in an environment where no public acknowledgement is made of arrest or imprisonment, it is extremely difficult to gauge the number of political prisoners. Amnesty International received reports of "several hundred people" being detained for political reasons in 1984 and has continued to receive such reports through 1986.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides protections for the inviolability of the home, and strong cultural values reinforce these protections. Police must obtain a search warrant before entering the home of a criminal suspect. Warrants are not required for the arrest of security suspects. Although most arrests occur outside the home, there have been reports of forced entry and arrest by the security police, particularly of suspected members of the outlawed Da'wa Party.

In late 1985, Iraqi government forces reportedly conducted large-scale searches of homes in at least one city in a predominantly Kurdish area and detained a number of people.

There is no legal protection against the monitoring of telephones, which many Iraqis believe to be a common practice. Likewise, all mail is believed subject to review by censors. Government security services and the Ba'ath Party are generally assumed to maintain pervasive networks of informers.

Membership in the ruling Ba'ath Party is viewed as a key to advancement inside and outside the Government. Although the Ba'ath is an elitist party, recruitment can be aggressive. Some emigrants have claimed that they joined the party to avoid beatings or harassment or to enhance career prospects.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government views political dissent as a security threat,

and controls exercise of the freedoms of speech, press, and assembly. The Constitution prohibits "any act aimed at undermining the national unity of the people, provoking racial, sectarian, and regional bigotry, or violating gains and achievements of the country." Nonetheless, the use of minority languages is unrestricted. Kurdish, an official language, is used in schools and media in Kurdish areas.

The Government owns and operates the press, radio, and television. The media do not criticize the Government and news reporting is strongly biased. Opposition viewpoints are not heard. Few foreign periodicals reach Iraq, and Western newspapers are not sold. Foreign visitors' newspapers, magazines, and cassettes can be confiscated at the airport. To control the dissemination of political leaflets, typewriters and photocopying machines must be registered.

b. Freedom of Peaceful Assembly and Association

Public meetings are organized only under the auspices of the Government or Ba'ath Party. Association for nonreligious purposes and demonstrations without government approval have met severe repression. Professional organizations are subject to control by the Ba'ath Party Central Vocational Bureau.

Union workers do not represent a significant part of the total work force, which is comprised mostly of agricultural workers, shopkeepers, and government employees. Industrial workers, the most unionized, are only a small portion of the work force. Workers are organized in the Federation of Trade Unions under the control of the Ba'ath Party Central Labor Bureau. Unions may operate only under officially approved guidelines. Elections are held for union executive councils, which in turn select officers from among the council membership. Nominees are mainly party members. The right to bargain collectively is not recognized. Workers legally have the right to strike after providing notice to the Labor Ministry, but no strikes have been reported since 1968. The unions initiate grievances, but a primary union function is to indoctrinate members with Ba'athist ideology. Union membership is a prerequisite for employment in some sectors.

c. Freedom of Religion

Iraq is an ethnically and religiously diverse society. Many non-Muslims, principally Jews and Christians, left Iraq under previous regimes. Since its rise to power in 1968, the Ba'athist Government has enforced tolerance of religious diversity, seeking to submerge religious differences in the promotion of secular nationalism.

A 1981 law gave the Ministry of Endowments and Religious Affairs the authority to promulgate laws and regulations governing places of worship, appointment of clergy, religious literature, and participation in religious councils and meetings. However, while the Government has assumed much greater authority in Islamic religious affairs since 1981, the law has not been invoked against Iraq's Christian sects. Religious leaders operate under close government supervision. Muslim religious leaders are considered government employees and receive their salaries through the Government. The Government administers the principal Muslim shrines and mosques and has increased allotments to refurbish and maintain them in an apparent attempt to win support from the devout.

IRAQ

Over 500,000 Christians constitute nearly 4 percent of the population. Their freedom of worship in churches of established denominations is legally protected, but they are not permitted to proselytize or to hold meetings outside church premises. Convents and monasteries exist and some new churches have been constructed, in some cases with government financial support. The Jewish community is believed to have decreased from 150,000 following World War II to about 400. It was severely persecuted in the past, but there is no evidence of recent persecution. The last known synagogue in Baghdad is reportedly still functioning.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Iraqis are generally free to travel within the country and to change their residences or workplaces. However, they are likely to be constrained by social, cultural, and religious traditions which define the areas occupied by the various ethnic and religious groups. Sensitive border and other security areas are off-limits. Civilian travel in the war zone is restricted. Curfews are in effect where Kurdish insurgents have been active. There are police checkpoints on highways and outside major towns, but most Iraqis and foreigners travel freely in nonrestricted areas. Foreign diplomats must obtain Foreign Ministry permits for travel outside of Baghdad, which are usually granted when requested sufficiently in advance.

All Iraqis and most foreigners who have remained in the country for more than 2 weeks must obtain exit permission. Travel has been even further limited since September 1986 when severe restrictions on currency exchange were imposed. Because of the war's drain on the economy, permission to travel abroad is restricted to a few categories of Iraqis, including officials, government-approved students, and persons needing medical treatment. (While permission for medical treatment abroad may be granted, permission to transfer hard currency abroad to pay for it usually is not.) The Iraqi Government seeks to limit the countries an Iraqi traveler may visit and, should the traveler visit a nonauthorized country, a small fine may be levied upon his return. Iraqis who have residences abroad may depart the country provided they originally had left before the war began. In general, a married woman must have the permission of her husband to travel abroad. The Government can require a prospective traveler to post a substantial bond to assure return. According to officials of the Higher Education Ministry, although Iraqi students abroad should get permission before accepting foreign scholarships or grants, they would not be punished upon return to Iraq for failure to have done so. If students on government scholarships abroad do not return, their families must repay the costs of the education.

There is no specific ban on emigration nor special restrictions for members of minority groups; however, emigration is discouraged. Prospective emigrants have had travel permission delayed and have been harassed. Many emigrants leave behind substantial property because of the difficulty of exporting assets. Currency exchange violations are considered national security offenses, and penalties can be severe.

Alien spouses of Iraqi citizens who have resided in Iraq for at least 3 years are required to become naturalized or leave Iraq. Many people, including several Americans, have thus

been obliged to accept Iraqi citizenship and are therefore subject to the present travel restrictions. In March 1984, a resolution by the Revolutionary Command Council reduced the residency period before naturalization to 1 year for the spouses of Iraqis employed at government offices. The Iraqi spouse faces penalties for noncompliance, including loss of job, a fine of approximately $10,000, and repayment of the costs of education.

In recent years, the Government has instituted special programs to encourage the repatriation of qualified professionals. Aliens of Iraqi origin can apply for a document permitting them to enter and exit Iraq without a visa. Former Iraqis can more easily obtain visitors' visas than other aliens, who generally must have an official sponsor.

Other persons of Iraqi origin are permitted to return, including many individuals who were admitted to other countries as refugees. A number of such people, especially Assyrian Christians, have returned on temporary visits. They are free to come and go, within the limits of the present travel restrictions, since they are not considered to have violated Iraqi laws. However, those who emigrated only after the beginning of the Iran-Iraq war, including several U.S. permanent resident aliens, have been unable to depart Iraq after returning.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The elitist Ba'ath Party, dominated by the President and the Party's Regional Command, rules Iraq. The Party reportedly has some 1.5 million adherents, representing about 10 percent of the population. However, only some 50,000 "active" or full members, less than 0.33 percent of the population, participate influentially in party activities. There are two other legal political parties, both Kurdish. They and the Ba'ath Party constitute the Patriotic and Progressive National Front, essentially a vehicle of support for the Government. The two non-Ba'ath parties carry on only limited activity. Members of the military or security services may engage in political activities only within the Ba'ath Party. Association with the party is not required for appointment to senior government positions or military ranks or election to the National Assembly, but normally is necessary to attain political influence. Opposition groups, including various Kurdish groups and splinter parties, are severely repressed. The Communist Party was removed from the National Front and declared illegal in 1979. In 1982 the Government amnestied Iraqi Communists both in Iraq and abroad, but the number released is unknown.

The outlawed, Iranian-supported Da'wa (Islamic Call) Party has been a major target of persecution. It has claimed violent acts against the Government in Iraq and abroad, and was implicated in the December 1983 truck bombing of the U.S. Embassy and other U.S., French, and Kuwaiti targets in Kuwait.

General elections were last held for the 250-seat National Assembly in 1984. The Government screened all the candidates for consonance with Ba'ath party ideology. Though in theory possessing a wide range of official duties, the Assembly exercises little real authority. Local elections were held in the Kurdish autonomous region in August 1986.

IRAQ

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Iraq denies charges that it violates human rights. The Government acknowledges Amnesty International's accusations and in a letter to Amnesty International in July 1985 confirmed approximately two-thirds of the executions Amnesty International said took place in February and March 1985. The Iraqi Government contends, however, that these were not political executions but executions carried out for crimes against national security. In the past it has offered to investigate allegations of torture if the victims, interviewed outside Iraq, returned. None is known to have done so.

There is no government office or official charged with investigating human rights and coordinating with other governments and international organizations on human rights. The International Committee of the Red Cross (ICRC) delegation based in Iraq has made regular visits to Iranian prisoners of war (POWs) since 1980 and has assisted in Iraq's unilateral repatriation of some of them. Iraq has received the ICRC President and other delegates several times to discuss the treatment of POWs and the protection of civilians in the Iran-Iraq war. Reports still circulate of sporadic outbursts of violence against POWs in the camps. Unlike in previous years, the ICRC, in its most recent annual report published in October 1986, no longer states that its representatives have been denied access to some prisoners. The Iraqis apparently on occasion retard ICRC efforts to register new POWs as a means of pressuring Iran to permit access to and registration of Iraqi POWs.

Since February 1984, Iraq has cooperated with the ICRC in efforts to resettle Iranian civilian refugees in third countries. A total of 350 such refugees had departed Iraq or were accepted as refugees by other countries as of November 1986.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Ba'ath Party has been committed to the equality of the sexes, and a series of laws since it came to power in 1968 has steadily improved the status of women. Such laws have protected women from exploitation in the workplace; granted subsidized maternity leave; permitted women to join the regular army, Popular Army, and police forces; and equalized women's rights on divorce, land ownership, taxation, suffrage, and election to the National Assembly. In the 1970's, the Government imposed legal penalties on families that opposed sending their women to literacy schools, and on men who were seen harassing women.

The percentage of female students among students in elementary schools climbed from 37.4 percent in 1977-78 to 46.4 percent in 1982-3. Secondary school female enrollment went from 29.2 to 34.5 percent in the same period. About 32 percent of the students at universities and technical institutes are female.

Women represent about 47 percent of agricultural workers and about 25 percent of the total work force. The war has accelerated the Government's drive to elevate the status of women, and some Iraqis believe that it has permanently broken

cultural barriers to the acceptance of women in traditional male roles. Women have become increasingly visible as architects, construction engineers, oil engineers, air traffic controllers, factory and farm managers, and Air Force pilots. Some 40,000 women reportedly were volunteers in the Popular Army in 1982.

The General Federation of Iraqi Women (GFIW) was established in 1969, the regime's first year in power, to promote the Government's policies towards women. Membership in the GFIW does not require affiliation with the Ba'ath Party. The GFIW organizes conferences on women's issues, establishes training courses for women, implements programs to eradicate illiteracy, undertakes civilian war relief activities, and administers nurseries. It drew up a 4-year plan (1983-86) to encourage women to work outside the home and has opened four employment offices in Baghdad for women graduates.

The Shi'a, who make up roughly 55 percent of the population, historically have been economically, politically, and socially disadvantaged. The Government has a declared policy to raise their living standards and equalize opportunities for economic and professional advancement. In recent years, the Government and party have promoted Shi'a into prominent positions, and the economic and social status of the Shi'a has improved markedly. Nevertheless, the Government maintains a close watch against Iranian attempts to exploit dissatisfaction among Iraqi Shi'a, who share the same branch of Islam prevalent in Iran.

Although Christians sometimes allege discrimination in education and jobs, adherence to their religion has not prevented many from obtaining wealth and professional advancement. The Deputy Prime Minister and Foreign Minister, a Chaldean Christian, has represented Iraq at meetings of the foreign ministers of the Organization of the Islamic Conference. Other Christians hold important official and private positions.

Citizens considered to be of Iranian origin bear special identification, often precluding desirable employment or impeding advancement. Many "Iranian" families have been in Iraq for generations. Some say their forebears were not from Iran but claimed Iranian nationality to evade Ottoman military conscription.

CONDITIONS OF LABOR

Children are frequently encouraged to work as necessary to support the family, an acceptable social practice in the Middle East. The employment of children is forbidden in state-run enterprises or other than small-scale family enterprises. The urban work week is 6 days a week, 6 to 7 hours a day for government workers; on Friday all but private vendors are closed. Wages are set by the Government for public sector workers (i.e., the bulk of the employed) and do not adhere to any fixed per hour or per day rate; salaries are generally deemed low but adequate. Wages in the small private sector are set solely by supply and demand. Occupational safety programs are in effect in state-run enterprises and inspectors make irregular visits to private establishments; enforcement varies widely.

ISRAEL AND THE OCCUPIED TERRITORIES*

Israel is a parliamentary democracy which guarantees by law and respects in practice the civil, political, and religious rights of its citizens. It has free elections, a multiparty political system, an independent judiciary, and an elected legislature (the Knesset) which may limit the Government by legislation and can bring it down by a vote of no confidence. There is no constitution; a series of basic laws defines the responsibilities of government institutions. Emergency regulations, associated with the state of emergency in force since the founding of the State in 1948, are still in effect.

In 1979, as provided in the Camp David Accords, Egypt and Israel signed a peace treaty ending the formal state of war which had existed between them since 1948. Israel and its other Arab neighbors continue to be in a formal state of war. Pursuant to the Egypt-Israel treaty, Israel returned the remainder of the Sinai Peninsula to Egypt in 1981. Israel continues to occupy other territories (the Golan Heights, Gaza Strip, the West Bank, and the eastern sector of Jerusalem) captured in the 1967 war. In early 1985, Israel withdrew the bulk of its troops from southern Lebanon, where they had been since the 1982 war, but it still maintains a residual presence and continues to support a local militia, the "Army of South Lebanon."

Many Israelis doubt that other Arab states are prepared to accept Israel's right to exist on the basis of U.N. Security Council Resolutions 242 and 338. Terrorist incidents within Israel and the absence of peace treaties between Israel and its other Arab neighbors make security a dominant concern which affects many facets of Israel's national life.

Approximately 16 percent of the population of Israel are Arabs who do not share the Zionist principles upon which the State was founded. Some Jewish groups in Israel also reject Zionism.

Israel enjoys a relatively high standard of living. It has a predominantly market economy with substantial governmental participation and subsidized prices for basic commodities. Economic policy has a strong orientation toward social welfare. In recent years, Israel experienced increasing balance of payments deficits, rising foreign debt, triple-digit inflation, and declining foreign exchange reserves. A new economic program, initiated in 1985, has significantly reduced the level of inflation and improved Israel's international financial position.

Israeli society is characterized by its openness and by its wide-ranging and lively public debate of all issues of popular concern. Police and internal security functions are under the control of Cabinet ministers who must answer to the Knesset concerning the actions of personnel for whom they are responsible and whose performance is subject to the scrutiny of a vigorous free press.

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*Because of the sharply differing sociopolitical environments in Israel and in the Arab territories which Israel has occupied since the 1967 war, the respective human rights situations are treated in separate but parallel fashion. The report on the occupied territories follows the report for Israel.

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ISRAEL AND THE OCCUPIED TERRITORIES*

As in the past, the most significant human rights problems for Israel in 1986 derived from the strained relations between the Israeli authorities and some Israelis and the Arab inhabitants of the occupied territories. These problems were exacerbated by attacks against Israelis in those areas and by acts of provocation or violence by Jewish settlers. The number of attacks on Israelis and acts of violence by settlers declined somewhat in 1986.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There is no indication that political killing is sanctioned by Israeli authorities.

In 1986 three former officials of the General Security Service (GSS, or Shin Bet) revealed that their agency had been responsible for the deaths of two Palestinian prisoners during interrogation after a bus hijacking in 1984. Several GSS officials were also implicated in efforts to cover up the circumstances of these killings in proceedings before two boards of inquiry which investigated the deaths. President Herzog subsequently pardoned 11 GSS officials who were involved in the deaths and the purported coverup, including the Director of the Service. These pardons precluded further prosecution of these individuals. After the Government decided against a judicial commission of inquiry, the Attorney General ordered a police investigation. The police investigators reported their findings to the Attorney General, who issued a report stating that there was no evidence that the Prime Minister at the time of the killings, Yitzhak Shamir, knew of an attempted coverup nor that he had issued an order authorizing the killing of terrorists. Foreign Minister Peres and former Defense Minister Moshe Arens were also cleared of criminal wrongdoing.

b. Disappearance

There were no reports of disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Such practices are prohibited. Evidence or confessions obtained under duress are inadmissible in court, and the administrative codes of conduct of the prison and police authorities contain stringent sanctions against the use of force or brutality. Police officers accused of brutality or violence against prisoners or suspects may be prosecuted either in administrative courts for violation of the code of conduct or in regular criminal courts for criminal assault. Acute overcrowding remains a problem in Israeli prisons.

d. Arbitrary Arrest, Detention, or Exile

Israeli law provides strong guarantees against arbitrary arrest or imprisonment. Writs of habeas corpus and other procedural and substantive safeguards are available. Defendants are considered innocent until proven guilty.

Administrative detention may be employed in security-related cases when it is determined to the satisfaction of a judge

that formally charging a person would compromise sensitive sources of evidence. Any individual under administrative detention is entitled to representation by counsel and must be brought before the president of the appropriate district court within 48 hours of being taken into custody. Upon application of the Defense Minister to a district court, the right to representation by counsel may be delayed from 48 hours to 7 days in most instances and up to 15 days in terrorist-related cases. Each case of administrative detention must be submitted to judicial review at least every 3 months thereafter for the entire period of detention. The decision of the president of the district court can be appealed to the Supreme Court.

Israel does not accord prisoner-of-war status under the Third Geneva Convention to prisoners captured in Lebanon after the 1982 Israeli invasion of Lebanon who were not members of the armed forces of another country.

Again in 1986, Israeli military forces brought an unknown number of prisoners captured in southern Lebanon across the border to prisons in Israeli territory in violation of the Fourth Geneva Convention.

There is no forced labor.

e. Denial of Fair Public Trial

The right to a hearing by an impartial tribunal with representation by counsel is guaranteed by law. The judiciary is independent and effectively insulated from political interference. With the exception of security cases, which may be tried by military courts, all trials are open. In security cases, Israeli law provides that part or all of a trial may be closed, with the burden of justifying nonpublic proceedings falling on the prosecution. Counsel is present during closed proceedings. In security cases, the law also provides for possible restriction on the choice of defense counsel, but there were no known cases in 1986 in which this provision was invoked.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Privacy of the individual and the sanctity of homelife and correspondence are fully protected. There are effective legal safeguards against arbitrary invasion of the home.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press, limited by security-based censorship provisions, are basic rights in Israel. These rights are protected by law and the judiciary and are broadly exercised. An independent and vigorous press expresses a wide variety of political opinion.

Media censorship is based on British Mandatory emergency regulations, according to which the censor may prohibit the publication of material which, in his opinion, will harm the defense of Israel, the public safety, or public order. Censorship decisions may be appealed through the judiciary. In practice, censorship of the media is usually limited to military security matters, and journalists generally know

which security-related areas are off-limits to publication. Licenses to publish newspapers are required and normally are routinely issued. All newspapers are privately owned and managed.

Israeli radio and television are run by the independent Israel Broadcast Authority (IBA). The Government helps to fund the IBA and appoints its governing board but has almost no control over programing. The independence of the IBA is protected by law, subject to the censorship provisions. Radio and television programs are in Arabic as well as in Hebrew.

Movies and theater are subject to censorship if deemed pornographic or otherwise offensive to religious or social mores or likely to create a disturbance of public order. Censorship board actions, rarely imposed, can be appealed in the courts.

Possession and distribution of literature considered hostile to the State and issued by illegal Palestinian organizations are punishable offenses.

Israeli law forbids public manifestations of support for organizations defined by the State as terrorist in nature. Proscribed acts include flying the Palestinian flag or displaying its colors, displaying Palestinian nationalist slogans, and publicly expressing support for the Palestine Liberation Organization (PLO).

New legislation to prohibit the intentional fomenting of racism was passed in 1986.

b. Freedom of Peaceful Assembly and Association

These are basic rights in Israel, protected, along with the right to demonstrate, by law and rulings of the courts. Permits are required and routinely granted for political rallies and outdoor meetings beyond an established size. A law was passed in 1986 prohibiting and toughening penalties for any contact by Israelis with the PLO, its subdivisions, and non-PLO organizations classified as terrorist groups.

Israel has a free, democratic labor movement, which plays an important role in social, economic, and political life. Israel's most powerful labor organization, the General Federation of Labor (Histadrut), and its affiliates operate the largest national health insurance program and seven retirement pension systems, as well as a number of large industrial enterprises. About 85 percent of all workers are Histadrut members. The membership includes 60 percent of the adult Israeli Arab population. Israeli workers, including those in the public sector, make frequent use of the right to strike. Histadrut has traditionally been active in the international field; it runs a large labor assistance program and is active in various international labor organizations. Israel's labor laws are modern and comprehensive; they reflect the social democratic values of Israel's founding fathers and the conditions of employment negotiated by Histadrut over many years. The Collective Agreements Law of 1957 governs trade union representation and collective bargaining.

c. Freedom of Religion

Israel was founded as a Jewish State in which all citizens are guaranteed freedom of religion by law. Muslims, Christians,

Druze, and other minority religious groups make up about 17 percent of the population. The prevailing interpretation of the Jewish nature of the State has been secular rather than religious. The Law of Return of 1950, which abolished all British Mandate restrictions on Jewish immigration, and the Citizenship Law of 1952, which granted every Jew the right to citizenship upon arrival in Israel, confer an advantage on Jews in matters of immigration and citizenship.

All religious groups may maintain contacts with their coreligionists outside Israel. Foreign clergy are permitted to live in Israel to minister to their coreligionists. Several thousand Israeli Muslims make the pilgrimage to Mecca each year. There is no operating Islamic seminary in Israel. Muslims may obtain such training in institutions in East Jerusalem, the West Bank, Gaza, or Egypt. The International Center of the Baha'i religion is located in Haifa, and a Mormon Study Center is under construction in Jerusalem.

Under Israeli law each religious community is governed in matters of personal status by its own religious law and not by civil law. This system, however, sometimes fails to protect the rights of individuals who do not follow the dominant tradition within their religious community. Difficulties do not normally arise in religious worship but do occur in areas such as marriage, legitimacy, inheritance, or conversion. In some religious communities, the rights of women are limited. Some Jewish and Christian congregations have complained that local and regional authorities have used zoning regulations to prevent establishment or expansion of their congregations.

An antiproselytizing law enacted in 1977 prohibits the offering and receipt of material benefits as inducements to religious conversion. In 1979 the Justice Minister stated that the law is not intended to restrict the religious freedom of any community or to impede any community from the pursuit of normal educational or philanthropic activities. The Attorney General has ordered that no action be taken under the law without his express permission, and the law has not been employed. It nevertheless continues to cause uneasiness among some Christian groups. Persons considered missionaries and purporting to belong to missionary groups have been subjected to physical attacks by individuals and in some cases harassment by Jewish religious groups. The police have been active in protecting missionary groups. The Ministry of Religious Affairs cooperates with and gives financial support to various interfaith groups which seek to promote understanding between members of different religious groups.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Israeli citizens enjoy freedom of movement within the country and are free to travel abroad or to emigrate, subject to government review to determine whether military service-related obligations have been satisfied. Emergency regulations, however, provide that Israeli citizens, by military order, may be confined to their neighborhoods or villages or barred from traveling to the occupied territories. Restrictions of this nature have been applied most often to Israeli Arabs. An Anglican priest and an attorney, both of whom are officials of the Progressive List for Peace, a small, mostly Arab political party, were prevented from traveling to the U.S. and Europe, and the Director of an Israeli-Arab cultural heritage group was ordered restricted to his town

just prior to his planned departure on a fund-raising tour. A number of Arab journalists are also under restrictions not to leave their towns or are affected by other travel restrictions. In all cases, the Israeli authorities maintain that the restrictions are based on reasons of state security.

Since 1948 Israel has taken in over a million Jewish refugees, principally from the Middle East, North Africa, and the Soviet Union, and has worked toward integrating them into its society and economy. From 1983 through 1985, the Absorption Ministry settled some 7,000-8,000 Ethiopian Jewish immigrants. The flow of immigrants from other countries also continued in 1986. United Nations General Assembly Resolution 194 of December 11, 1948, calls upon Israel to permit Arab refugees who left their homes in the 1947-48 fighting to return if they are willing to live in peace, or to be compensated for their losses if they choose not to return. Israel has not recognized the validity of this resolution, pointing out the losses to its own citizens who fled Arab states at the same time; it did, however, take back some refugees under the principle of family reunification, and has, on occasion, indicated willingness to accept some refugees in the context of a final peace settlement.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Israel is a parliamentary democracy with a multiparty system. All adult Israeli citizens have the right to vote for candidates of their choice and to participate in the political process.

The Israeli Arab community is proportionally underrepresented in the Knesset (Parliament); 16 percent of Israel's total population is Arab, but only 7 of 120 Knesset members are Arab. This may be due, in part, to poor political organization within the Arab community or to refusal by some Arabs to participate in Israeli polictics. Israeli Arabs are included in the parliamentary delegations of several of the Zionist parties, the non-Zionist Israeli Communist Party, and the Progressive List for Peace.

Israeli Arabs actively participate in local (municipal) elections, and Israeli Arab municipal councils serve in Arab towns throughout Israel. These municipal councils freely participate in Israeli regional councils.

Women participate freely in the political process and account for more than 40 percent of the political party membership. Ten members of the Knesset and two of the judges of the Supreme Court are women. The new 25-member Cabinet sworn in in October 1986 includes a woman for the first time since 1974.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government maintains an office of human rights in the Foreign Affairs Ministry, and several human rights groups in Israel work for the protection of individual liberties and women's rights. Private Israeli groups, such as the Israeli League for Human and Civil Rights, the Association for Civil Rights in Israel, and Peace Now, freely criticize Israeli government actions in Israel, the occupied territories, and Lebanon. They issue statements and reports, hold press

conferences, and organize demonstrations without government interference.

The Government permits visits to Israel by representatives of private international human rights groups, as well as by the United Nations Economic and Social Council, the World Health Organization, and the International Labor Organization. The Government has generally permitted the International Committee for the Red Cross to visit Palestinian prisoners taken in Lebanon and the occupied territories. The Government also investigates and replies to most inquiries by organizations such as Amnesty International.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Women's rights in Israel are protected by law as well as by governmental and private organizations. The Equal Opportunity Law forbids discrimination on account of sex or marital or parental status, and employers are legally bound to pay female workers a wage equal to that paid male workers for the same or generally similar work. Laws and regulations also provide for protection of the rights of female employees with respect to pregnancy and childbirth. The Government includes a senior adviser on the status of women, and the Civil Service Commission and several government ministries have officers responsible for promoting fair treatment for women and ensuring that the rights of women are protected. A number of nongovernmental women's organizations also work to advance the status of women, ensure equal opportunity in all fields, and provide other family services such as child care for working mothers. The senior adviser on the status of women has publicly criticized as discriminatory the provision in many labor agreements that women, but not men, must retire at age 60. Legislation for sexual equality in retirement has been in legislative committees since March.

Over 40 percent of university graduates are women, as are 39 percent of the work force. Fifty-two percent of Israeli civil service employees are women, but they appear to be underrepresented at the higher levels of the Government. Women account for approximately two-thirds of the instructors employed in the educational system but they occupy only about one-fifth of the senior positions of the professional grade of the career civil service. Women are well represented in professional and technical jobs in the media, and work in a broad range of nongovernment professions and other occupations. Women are drafted into the army for service in noncombat units.

The Israeli Arab minority has equal rights under the law in most respects, and Israeli Arabs have made substantial educational and material progress since the founding of the State. A few have risen to responsible positions in the civil service, generally in the Arab departments of government ministries.

Israeli Arabs, however, have little political power or influence and tend to feel alienated. Despite some governmental and private efforts to bridge the gap, there is little social interaction with Israeli Jews. Israeli Arabs assert that they are denied equal access to education, housing, and other services, and that they are discriminated against in such areas as employment and appointment to government positions. Government grants to Arab local councils represent a smaller percentage of the budgets of these bodies

than is the case for government grants to Jewish municipalities. In 1986 Arab local councils withheld services for several weeks in protest over lack of budget parity.

In October 1986, the Council of Arab Local Councils in Israel protested the continued existence of separate offices for Arab affairs in government ministries, and called for the abolition of the office of the Prime Minister's Advisor on Arab Affairs.

While Arabs make up about 16 percent of the population of Israel, less than 2 percent of senior government positions are held by Arabs, less than 3 percent of Israeli judges are Arabs, and no large bank, industrial enterprise, or agricultural undertaking in Israel is headed by an Israeli Arab. Israeli Arabs make up 3 percent of university students and less than 1 percent of the academic positions in the universities.

Druze and Circassians are subject to Israel's military draft, and some Bedouin serve voluntarily in special units. Most Israeli Arabs are not permitted to serve and therefore are disqualified from many economic and social benefits which require military service as a precondition. They are particularly disadvantaged in seeking housing and new-household subsidies and in applying for government employment.

CONDITIONS OF LABOR

The Collective Agreements Law of 1957 empowers the Labor Minister to extend the provisions of collective agreements, including the minimum wage in the agreement between Histadrut and the Manufacturers Association, to workers not otherwise covered by collective agreements. The Labor Ministry frequently extends these provisions to workers not covered by other agreements. Maximum legal work hours are 8 hours per day, 47 hours per week. The Youth Labor Law of 1955 prohibits the employment of children under the age of 15 and regulates employment of youths under the age of 18. The Labor Inspection Law of 1954 provides a labor inspection service to enforce health and safety standards in the workplace.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ISRAEL

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	910.0	1950.1	1898.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	910.0	1950.1	1898.4
A.AID	910.0	1950.1	1898.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	910.0	1950.1	1898.4
(SEC.SUPP.ASSIST.)...	910.0	1950.1	1898.4
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	1700.0	1400.0	3445.2
LOANS.....	850.0	0.0	1722.6
GRANTS.....	850.0	1400.0	1722.6
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	850.0	0.0	1722.6
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	850.0	1400.0	1722.6
III.TOTAL ECON. & MIL...	2610.0	3350.1	5343.6
LOANS.....	850.0	0.0	1722.6
GRANTS.....	1760.0	3350.1	3621.0
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	0.0	20.0	0.0	361.3
IBRD	0.0	0.0	0.0	284.2
IFC	0.0	0.0	0.0	10.5
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.0	0.0	0.0	15.4
OTHER-UN	0.0	0.0	0.0	1.2
EEC	0.0	20.0	0.0	50.0

THE OCCUPIED TERRITORIES

In the course of the war of June 1967, Israel occupied the West Bank, East Jerusalem, the Golan Heights, the Gaza Strip, and the Sinai Peninsula. As a result of the Peace Treaty between Egypt and Israel, the Sinai Peninsula was restored to Egypt. No peace treaty has, however, been concluded between Israel and its other neighboring countries. The West Bank and Gaza remain under military government. Israel regards East Jerusalem and the Golan Heights as subject to Israeli law, jurisdiction, and administration.

The United States holds the view that Israel is an occupying power in these territories and, therefore, that its administration is subject to the Hague regulations of 1907 and the 1949 Fourth Geneva Convention concerning the protection of civilian populations under military occupation.

Israel denies the applicability of the Fourth Geneva Convention to the West Bank and Gaza, but states that it voluntarily observes most of the Convention's provisions in these areas. Major differences have arisen in regard to the applicability of these provisions in East Jerusalem and the Golan Heights, to the introduction of civilian settlers, and to collective punishment. Israel enforces Jordanian law in the West Bank and British Mandatory regulations in the Gaza Strip, although it has issued military orders significantly altering or overriding portions of these laws.

The complex human rights situation in the occupied territories reflects the fact that, in the absence of a peace settlement, the territories remain under military administration and there is friction between occupation authorities and the Palestinian population. Among the signs of friction are active resistance to the occupation, including episodes of violence, sometimes encouraged by outside extremist groups. Friction also arises from security measures taken by Israel to counter terrorism and other perceived threats to security. Other causes of friction are the introduction of civilian Israeli settlers, advocacy of annexation or permanent control of the territories by some Israeli political figures, as well as the refusal of the main Palestinian organizations to recognize Israel or to promote a negotiated peace. Limits on economic enterprise, especially that which would compete with Israeli products, are also a source of contention.

Israel implements its policy in the territories through a Civil Administration created in 1981 under Defense Ministry control. It is staffed by military and civilian personnel. Israel's national police, border police, security service, and the Israel Defense Forces (IDF) all have a role in administration. The national police, which includes local Palestinians in its ranks, is seldom criticized. However, there are frequent complaints by West Bankers and Gazans about the actions of the other organizations.

The Civil Administration has sought to reshape local politics, notably by trying to reduce the influence of the Palestine Liberation Organization (PLO) and other dissident Palestinian organizations. Israel has also discouraged political organizations beyond the municipal levels. It permitted municipal elections in 1972 and 1976, but after 1980, citing security concerns, postponed further elections and eventually removed many elected and appointed officials. Threats by extremists have also inhibited the development of moderate Palestinian leaders; even those who have expressed support

for the PLO have been intimidated for cooperating with Israel. Since 1985, Israel has supported the installation of non-PLO Palestinian mayors who have local and Jordanian support in place of Israeli military appointees.

Israel has allowed the establishment of four universities in the West Bank and one in Gaza where none existed before 1967, but has restricted student and faculty activities which it sees as threatening security. Israel permits criticism of its policies by the East Jerusalem-based Arabic press but often censors articles and editorials and restricts circulation of Arabic publications in the West Bank and Gaza. One Arabic newspaper and one magazine were closed in 1986. Broad restrictions on speech and assembly apply in the occupied territories.

Arab and Jewish residents continued to suffer from violent acts in 1986, although at a lower level than in 1985. PLO factions and various PLO dissident groups claimed responsibility for nearly all violent acts against the IDF, Israeli civilians, or Palestinians who disagreed with such groups. Much of the violence appears, however, to have been spontaneous and local.

Arab complaints of settler violence continued throughout the year, including unauthorized armed patrols, physical harassment, and disruption of legally authorized political meetings. Two IDF officers were convicted in 1986 for violence against Arabs, and one member of a Jewish underground organization was extradited from the United States and sentenced to prison. In 1986 the President commuted sentences imposed on six members of this organization, who had been convicted in 1985 and had served in prison for one half to two thirds of 2- to 4-year sentences.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Political killing is not condoned by Israel. However, there have been deaths and injuries as a result of both terrorist acts and IDF security measures.

Attacks by Arabs took the lives of at least 1 IDF soldier, 4 Israeli civilians in the West Bank and Gaza (in addition to 4 who were killed in Israel) and 3 Arabs, while at least 9 IDF soldiers, 37 Jewish civilians, and 4 Arabs were wounded. In March the appointed mayor of Nablus was assassinated. The Abu Nidal group and the Popular Front for the Liberation of Palestine (PFLP) claimed responsibility, but no one had been arrested for the crime as of the end of 1986. In October, 1 Israeli civilian was killed, 67 Israeli civilians and soldiers were injured, and 2 Arabs were injured by a handgrenade attack near the Western Wall in Jerusalem. The PLO claimed responsibility.

In November an Israeli student was knifed to death near a Jewish religious school in the Arab quarter of the old city of Jerusalem. Three Palestinians were arrested shortly after the incident and later sentenced to life imprisonment for committing the murder. They were linked to the PFLP. The killing sparked anti-Arab demonstrations and vandalism which

continued for several weeks. In December an elderly Israeli was stabbed and wounded in the same area.

At least 7 unarmed Arabs were killed in 1986 and more than 29 were wounded in incidents involving IDF soldiers enforcing security regulations. Two of the seven killed were students at Bir Zeit University where IDF soldiers opened fire on demonstrators. During the same week two Palestinian boys, 14 and 12 years old, were shot and killed and others were wounded by gunfire in separate incidents near the Balata refugee camp. In October a Palestinian student was shot and wounded by security forces at Bethlehem University during an antioccupation demonstration. Israeli authorities stated that Palestinian demonstrators had been throwing rocks and bottles and that the IDF acted in self-defense in these incidents. However, it appears that the deaths could have been avoided by use of nonlethal crowd control measures. The IDF limited its use of lethal force in subsequent disturbances linked to the Bir Zeit and Balata incidents.

In other incidents, two missing Palestinians were found dead at the sites of explosions. Palestinians claimed they were killed by Israeli settlers; the authorities said they died as a result of accidental explosions of their own bombs. One Palestinian woman was killed when, according to the IDF, she attacked a soldier. Palestinians claimed she accidentally fell on the soldier and was killed by another soldier, who panicked.

b. Disappearance

Israeli authorities neither sponsor nor condone disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is forbidden by Israeli law and Israeli authorities say they do not condone torture. Israeli border and national policemen have been convicted of abusive force against Arab prisoners, and the Israeli Supreme Court has at times ordered the withdrawal from evidence of confessions found to have been coerced. Palestinians complain of widespread and systematic mistreatment. They assert that nearly all convictions in security cases are based on confessions, that attorneys are normally not allowed to see clients until they have confessed, and that the International Committee of the Red Cross (ICRC) is denied access to prisoners for a prescribed period. A 1986 Amnesty International report alleged widespread physical mistreatment of security detainees, specifically citing the case of Adnan Mansour Ghanem, who was allegedly beaten severely before being deported. The Israeli judge at Ghanem's deportation trial noted physical evidence of beating.

d. Arbitrary Arrest, Detention, or Exile

Persons arrested for common crimes in the occupied territories are usually provided the opportunity for bail, access to an attorney, and a clear statement of charges, although these rights are sometimes delayed. Individuals may be held in administrative detention without formal charges for up to 18 days. The normal detention period after charges are filed is 60 days before trial. This can be extended indefinitely by a Supreme Court judge for 3-month periods.

Persons held for security reasons are not allowed bail and initially are denied access to counsel or other outside contact. Officials sometimes have declined to confirm detentions to consular officers. Under Israeli law, denial of notification of arrest to a third party can be extended for up to 15 days. Many who are released without charges claim ignorance of the reasons for their detention. Detainees are prevented from seeing their attorneys for 18 days, but access may be denied indefinitely for security reasons or because granting access may impede the investigation.

Arabs are often detained, sometimes in sizable numbers, after terrorist incidents or demonstrations. Such detentions usually do not result in formal charges and are not prolonged. Persons arrested during demonstrations are tried in military courts on security grounds. Security forces can and do detain individuals without prompt notification of their relatives and apparently without the use of warrants.

The use of 6-month administrative detention and deportation continued in 1986. The United States has indicated that these measures are inconsistent with the Fourth Geneva Convention. During 1986, at least 32 Palestinians were placed under administrative detention, which requires confirmation by a military judge. The hearing is confidential and the detainee and counsel can be denied access to evidence cited as grounds for the detention if the judge determines that confidentiality is required for security reasons. This can be challenged in the Supreme Court.

At least one Palestinian who had been released in a 1985 exchange of prisoners held in Israel for Israeli military personnel captured in Lebanon was deported by Israel, which claimed he was not entitled to residency status. The ICRC, which had helped negotiate the original exchange, objected. Israel maintained that those who had reentered Israel illegally had forfeited their residency rights; the ICRC disagreed.

In November the Palestinian editor of the Jerusalem newspaper, Asha'ab, was ordered deported because of his alleged association with Fatah, the PLO's largest faction. Israel did not claim that he was personally involved in terrorism. The order initially was appealed to the Israeli Supreme Court, which directed the authorities to justify their action. The appeal was later withdrawn and the editor deported. At least eight other Palestinians were deported for alleged security offenses. Several individuals who appealed the deportation orders to the Supreme Court withdrew their appeals when the Court refused, on security grounds, their attorneys' request to review the evidence against them.

In 1986 at least 62 Arabs were placed under new or renewed orders restricting them to their towns for 3 months or more. Such orders do not require formal charges and are made by regional military commanders without judicial review. Many of those affected are political activists, outspoken critics of Israeli policies, or PLO supporters.

There is no forced labor in the occupied territories.

e. Denial of Fair Public Trial

Jordanian law, as modified by Israeli military orders, remains in force in the West Bank for most criminal and civil matters. British Mandatory law, as modified, prevails in Gaza. The

application of these laws, except in security cases, land acquisition, or where jurisdiction has been transferred by military order, has been left in the hands of an independent Arab judiciary. Residents of the occupied territories accused of nonsecurity offenses receive public trials in local courts. Israeli law applies in East Jerusalem and the Golan Heights.

Arabs suspected of security offenses, which are not precisely defined under Israeli law, are normally tried in Israeli military courts with a military judge presiding, and are defended by counsel. However, Israeli residents of the occupied territories accused of security offenses are tried by the Israeli district court closest to their residence or the scene of their crime.

Most military trials are public, except for some cases involving serious security offenses, but many trials involve the use of secret evidence, which neither the accused nor his attorney can see. At the request of the defendent, the Supreme Court will review whether sufficient security grounds exist for keeping the evidence secret. Consular officers are normally able to attend court proceedings involving foreign citizens.

Orders of the Civil Administration may be appealed to the Israeli Supreme Court. Nonjudicial administrative orders of the military government may be appealed to area military commanders and the Supreme Court. Military court verdicts are not appealable, except on procedural grounds to the Supreme Court, although the area commander may exercise the right of commutation.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under occupation regulations, military authorities can and do enter private homes and institutions without prior judicial approval in pursuit of security objectives. A military order permits soldiers to search persons or premises on the West Bank without warrant on the suspicion that a person or organization may possess a proscribed publication.

In 1986 at least 15 houses of West Bank and Gaza residents accused of involvement in security incidents were demolished and 21 were sealed. Ten individual rooms were also sealed. Such action is usually taken before a suspect is tried. Houses or rooms of Israeli suspects or convicts in security offenses in the occupied territories were not demolished or sealed.

Commercial activity is often interrupted after violent incidents by sealing off areas for searches or by extended curfews. Nine shops in and adjacent to a building housing Jewish settlers in Hebron were cordoned off by the IDF after the owners refused to sell their shops. Patrons must be searched by soldiers before and after entering the area of the shops. The shopowners have filed an appeal with the Supreme Court.

Most Palestinians believe that mail and telephone services in the West Bank and Gaza are monitored. Individuals can be and are questioned on their political views by security officials. Such inquiries have in some cases involved overnight detention.

THE OCCUPIED TERRITORIES

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of expression is generally respected, subject to restrictions which are deemed by Israeli authorities as necessary on security grounds. Proscribed acts include displaying the Palestinian flag, its colors, or Palestinian nationalist slogans, and publicly expressing support for the PLO. The Arabic press, most of which is located in East Jerusalem, is outspokenly critical of Israeli policies and actions. Arrests, prison sentences, land seizures, and other politically sensitive stories are generally reported, but editorials and articles are often censored in whole or in part. All items in Jerusalem's Arabic press must be submitted to the censor for prior review, and at least 56 editorials and commentaries were censored in 1986. Hebrew newspapers need submit only articles on military security matters to the censors. Censorship may be challenged by appeal to the chief censor.

Materials licensed to be published in East Jerusalem are free to circulate throughout Jerusalem, but need a further license for distribution in the West Bank and Gaza. One Palestinian newspaper and one magazine have been denied such licenses. Military orders forbid the printing or publishing of politically significant material without a license. Political significance is not defined.

A permit must be obtained for every publication imported into the occupied territories. Arabic educational materials, periodicals, and books originating outside Israel are censored or banned for anti-Semitic or anti-Israeli content and for the encouragement of Palestinian nationalism. Since 1984 the number of books explicitly prohibited has been reduced from 1,300 to 350. Possession of banned materials by West Bank or Gaza Arabs is a criminal offense. Usually, possession of illegal publications is one of a series of charges levied against individuals accused of security offenses. Restrictions of this kind are usually not applied to Israeli residents.

In August the High Court of Justice upheld permanent closure of two Arab Jerusalem newspapers on the grounds that they were funded and operated by the PFLP, which has claimed responsibility for terrorist actions in Israel and the occupied territories. The court rejected arguments by the newspapers' attorney that freedom of expression should protect the newspapers. The U.S.-based Committee to Protect Journalists criticized the decision, as well as travel restrictions placed on several Jerusalem Arab journalists, one of whom was prevented from traveling to the U.S. to address an Amnesty International conference.

In August the authorities closed the weekly newspaper Al-Mawqif for 3 months after its presses were used to print pamphlets deemed threatening to security. They closed the newspaper Al-Fajr for 3 days in June and 1 week in October, and held up the distribution of all Arabic newspapers for 3 days in July and for several hours during one day in August. They also closed the Hakawati Theatre in East Jerusalem, a nationalist ensemble company, four times for periods of 12 to 24 hours, citing security reasons.

In November a teacher, who had been involved in a public opinion poll of Palestinians living in the occupied

territories which showed strong support for the PLO, was ordered by the Israeli authorities to cease teaching at An-Najah University because of his alleged association with PLO members.

Arabic-language radio and television programs from Jordan, Syria, and other Arab countries, including broadcasts of the Voice of Palestine, are received in the occupied territories without jamming.

Foreign journalists have not reported difficulties in meeting inhabitants of the occupied territories. As with reports by the local press, all reports filed by the foreign press are subject to military censorship.

b. Freedom of Peaceful Assembly and Association

The Israelis have permitted a wide range of labor, professional, and fraternal groups organized before 1967 to continue to function. Professional associations are active and often take public stands on political issues. No political parties or other groups viewed as primarily political are permitted. Public gatherings of more than 10 people require permission, which is often withheld from both Arab and Israeli groups on grounds of public order.

There are approximately 40 labor unions in the occupied territories, grouped into 2 rival federations. Fifteen new labor unions have been permitted to register in the West Bank since the beginning of the occupation, but over 100 applications have been turned down and several Arab unions have been disbanded by Israeli authorities for alleged security concerns.

West Bank unions are generally small and confined to urban workers in skilled craft trades. Israeli authorities must approve all candidates for union elections but such elections are held without other interference. Membership in the Histadrut, the Israeli national labor organization, is open to Arab workers from East Jerusalem and the Golan Heights.

In 1985 Israel first refused permission to form a union of Arab lawyers on the West Bank but then ordered the formation of such a group under the authority of the Civil Administration. Local lawyers have appealed to the Supreme Court to eliminate this order. Strikes are legal, except for political reasons. One union office in Nablus was closed for 6 months on security grounds and the head of the office was placed under administrative detention. Some union activities, such as cultural exhibitions or May Day festivities, were prohibited on security grounds.

Israel permitted several settler groups to hold political rallies in the occupied territories during 1986. The Israeli group Peace Now was also allowed to hold a rally in Hebron, and the Tehiya Party was permitted to hold its party conference in the Kiryat Arba settlement outside Hebron. Israeli settlers attempted unsuccessfully to stop the Peace Now rally by erecting illegal road blocks, physically and verbally harassing participants, and assaulting some members of the Israeli Knesset. Although several of those involved were arrested, none was brought to trial.

Israeli authorities have closed universities and colleges at times on security grounds. The Hebron polytechnic was closed

for 1 month in April following a demonstration protesting the Tehiya party convention being held in Hebron. An-Najah University was closed temporarily in January because the authorities said that they were concerned that recently held student elections would lead to disturbances. The authorities also closed An-Najah twice in December on security grounds and Bethlehem University for 3 weeks in November on the same basis. One campus of Bir Zeit University was closed for most of December following violent clashes between students and security forces, and classes were disrupted by roadblocks on several other occasions in 1986. Roadblocks also hampered classes at Bethlehem University. These measures at times went beyond what might be reasonably justified on security grounds. At times university officials also called off classes because of concerns that student protests would occur.

c. Freedom of Religion

Freedom of religious practice exists in the occupied territories. No group or sect is banned on religious grounds. Muslim and Christian holy days are observed without hindrance, and Muslims and Christians operate a variety of private schools and institutions. There has been no reported interference with the publication or distribution of religious publications.

Israel protects Muslim and Christian holy places and usually assures freedom of access to them. On occasion, the authorities have denied both Arab and Jewish groups access to religious sites on religious or security grounds. In January and February 1986, some members of the Israeli Knesset created disturbances on the Temple Mount, which is the third holiest site in Islam and is the former site of the Jewish Temple. Israeli government spokesmen criticized the disturbances, and there were no changes in the system under which Islamic authorities administer the area.

Israel facilitates travel into Jordan for Muslims making the pilgrimage (the hajj) to Mecca by expediting bridge clearance procedures and extending the hours of operation of the bridges. In 1986 several thousand pilgrims from the occupied territories made the hajj. At least 20 were refused permission on security grounds.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement is generally unrestricted for Arabs within the occupied territories, but some restrictions exist. Approximately 80,000 Arabs travel daily to Israel to work. All residents over 16 must carry identity documents and show them to security officials whenever requested. Arab vehicles are often stopped for security checks, sometimes at unauthorized roadblocks by Israeli settlers. Palestinians resident in the territories need permits to remain overnight in Israel; West Bankers and Gazans are generally forbidden to remain in Jerusalem after midnight, but the rule is not always rigorously enforced.

Following violent incidents, curfews lasting several hours to a day are often imposed in the surrounding area. At least four West Bank towns and five refugee camps were placed under curfew at least once during 1986.

Most inhabitants of the occupied territories are permitted to travel abroad and many thousands do so each year. Exit visas

are required. Many residents of the West Bank are Jordanian citizens and use Jordanian passports for travel to or through Jordan. Israel issues laissez passers to residents of the occupied territories to facilitate foreign travel from ports and airports in Israel after a security check. In some cases, restrictions are imposed on reentry. Travel bans are also imposed on some persons suspected of, but not charged with, antioccupation activities. Bans on the travel of residents of particular areas have been used by Israeli security forces as a form of collective punishment. In October, following the hand-grenade attack in Jerusalem in which 1 Israeli was killed and 70 injured, a total travel ban was imposed on all West Bankers crossing the bridge. The ban was partially lifted after 1 week but remained in force for all residents under the age of 40 until mid-December. Despite the formal state of war between Israel and Jordan, two-way travel between the West Bank and Jordan is permitted. Palestinians returning from Jordan, as well as other Arabs and persons of Arab descent, regardless of citizenship, are all subject to search, and many complain of unnecessarily harsh or humiliating treatment and harassment. Israel permitted all members of the Jordanian Parliament resident in the West Bank to travel freely to attend parliamentary sessions during 1986.

There are no obstacles to emigration. Israel sometimes refuses to renew the laissez passers of West Bank residents who study or work abroad for a period of time on the ground that they have abandoned their residence, even though they have not acquired foreign citizenship. Such persons are permitted to return to the West Bank as tourists only, and are sometimes denied any right to return. Entry permits or residency rights are often denied to spouses and children solely because the head of the household has emigrated. Israel also has not permitted the return of many former West Bank residents who were not present in the territories, for whatever reason, at the time a census was taken in late 1967 by Israeli authorities.

Gazans normally do not require prior approval for travel to the West Bank. Under special arrangements concluded between Israel and Egypt, thousands of Gazans regularly cross into Egypt, particularly to work or visit relatives in the divided city of Rafah. Israel permits Golan Heights Druze to return after attending school in Syria; it has not, however, permitted the return of other Syrians who fled or were expelled from the area during and after the 1967 war.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

There is no regional self-government in the territories. At the municipal level, Arab civil servants, institutions, and municipal officials operate under the military government. Most villages retain their traditional leadership. No Palestinian political parties or overtly political organizations are permitted.

Municipal elections were last held in 1976. A few elected mayors have continued to hold office. Others were dismissed and replaced by Israeli officials. In December 1985, a Palestinian, the last duly elected deputy mayor and elected head of the Chamber of Commerce, was appointed mayor of Nablus, but he was later assassinated, at which time his deputy took over as acting mayor. In October 1986, Arab mayors were appointed to replace Israeli officials in Ramallah, Al-Bireh,

and Hebron. With these appointments, all major West Bank municipalities now have Arab mayors. Bethlehem and Tulkarm are the only major towns governed by elected Arab mayors. Arab residents of East Jerusalem are permitted and encouraged to vote in municipal elections. Approximately 20 percent did so in the 1983 elections.

Most Arab residents of the West Bank are Jordanian citizens and as such are represented by 2 senators and 30 members of the Jordanian Parliament. Although Jordan has held regular parliamentary elections, Israel has not permitted the holding of similar elections in the West Bank since 1967.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of local groups, both Israeli and Palestinian, are concerned with human rights issues. Publications and statements from these groups are allowed to circulate in the occupied territories. Arab and Israeli human rights groups increased their coordination in 1986.

Israel normally permits international human rights groups to visit the occupied territories, and does not interfere with their investigations. A Palestinian field investigator for Law in the Service of Man, the West Bank affiliate of the International Commission of Jurists, who was placed under administrative arrest in September 1985 on security grounds, was released in March 1986.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Palestinians living in the West Bank and Gaza are subject to laws and regulations of the Israeli military government. However, Jewish settlers residing in these areas are subject to Israeli law, jurisdiction, and administration, as applied to Israeli nationals residing in Israel. Therefore, on a broad range of issues, including the right to due process, acquisition and loss of residency, freedom of movement, land use, and access to social services, Palestinians in the West Bank and Gaza are treated differently and usually less favorably than Jewish settlers in the same areas. Israel has declared that Israeli law applies to all inhabitants of East Jerusalem and the Golan Heights.

The use of land by Israeli authorities for Israeli settlements, military purposes, road projects, and other means by which access is restricted significantly affects the lives and economic activities of Palestinians. Palestinians are excluded from the Higher Planning Council which draws up plans for land use in the occupied territories. In 1971 the military government issued an order transferring authority from local municipal and village councils to the Higher Planning Council. Government planning bodies, military officials, and Israeli settlers are represented on the Council.

The authorities have discriminated against the Palestinian population in the use of a substantial portion of the land in the occupied territories which is under government control. Approximately 5 percent of the land to which Palestinian access has been restricted has been turned over to Jewish Israeli settlers for residential, agricultural, or industrial use.

THE OCCUPIED TERRITORIES

Israeli settlements receive large annual subsidies in various forms from the Government of Israel and Israelis receive inducements to take up residence in the settlements. Indigenous Palestinians have not been offered the use of land under Israeli control on the same basis as Israeli settlers, nor have they received special assistance from the Israeli authorities to encourage them to remain in the territories.

During the early and midsummer, approximately 100 American citizens of Palestinian origin arriving as visitors had their passports impounded at Israeli points of entry enroute to the occupied territories, were given visas of shorter duration than normal, and several were made to post bonds of $2,000 to $3,000. Israeli authorities asserted that this was done only in cases in which entrants were expected to stay indefinitely and was not intended to be discriminatory. The practice appeared to end by late summer.

The West Bank is served by four universities, one college, one community college, and a variety of other educational institutions, all established or upgraded since the beginning of the Israeli occupation. However, none of the universities receives financial support or other assistance from the occupation authorities. Palestinian teachers at educational institutions in the occupied territories must receive certificates from the Israeli authorities, the issuance of which is based on security and political criteria, as well as professional competence.

The Israeli-occupied portion of the Golan Heights consists of 1,295 square kilometers, and has an Arab population of about 15,000, mostly Druze and a small percentage of Alawites. Approximately 7,500 Israeli settlers live in some 32 settlements in the Golan Heights. Druze village councils have complained that they do not receive sufficient funding to provide minimal municipal services, and a third of the estimated 4,000 school children are reported to be studying in substandard classrooms.

Urban West Bankers are increasingly sophisticated in their social attitudes, including toward the role of women, but the rural majority continues to hold more traditional social values. There are no legal or administrative prohibitions on the employment of women in the occupied territories, although traditional cultural mores and family commitments limit most to homemaking. Most Palestinian women holding jobs outside their homes reside and work in urban areas. Employment of women is concentrated in service industries, education, and health services, with a small number working in journalism, law, and other professions.

Although women legally have equal access to public education, custom and family pressures limit the number of women in West Bank schools. Even so, female school enrollment is quite high by Middle Eastern standards. A little over 45 percent of the primary and secondary school students are female. While female enrollment at the postsecondary level varies between roughly 30 to 45 percent at coeducational West Bank colleges and universities, a number of teacher and vocational training centers are all male or all female.

There is a wide range of women's cooperative groups for health care, child care, handicraft production, vocational training,

and other services. The West Bank-wide Society for the Preservation of the Family is active in supporting women's needs.

CONDITIONS OF LABOR

Working conditions in the West Bank are governed by the Jordanian labor law of 1960 which provides for a maximum workweek of 48 hours, except for hotel, food service, and cinema employees whose workweek is 54 hours. There is no minimum wage. Child labor is not permitted. Histadrut, the Israeli national labor organization, has taken steps to assure that working conditions for Golan Druze and residents of East Jerusalem are comparable to those of Israelis.

JORDAN

Jordan is a hereditary monarchy with a constitution granting the King broad powers. The King forms and dissolves governments and is the ultimate arbiter of policy. The Prime Minister and the Council of Ministers (Cabinet), however, exercise considerable responsibility over many issues. The Constitution also provides for a bicameral parliament and an independent judiciary.

Martial law has been in effect since the 1967 war which ended with Israel's occupation of the West Bank. Under martial law, some detained persons have been denied opportunity to communicate with concerned individuals for varying periods, usually not exceeding several months. Generally, however, martial law has not much affected the civil rights of Jordanians.

Jordan has a mixed economy with government participation in certain sectors, largely in transportation and heavy industry. The Government of Prime Minister Zaid Rifa'i, formed in April 1985, has taken a number of steps to promote free enterprise. Declining foreign assistance, a weak regional economy, and other external economic factors have caused Jordan's healthy economic growth of the past decade to level off in recent years. While the economic adjustment has been difficult, Jordan's economic managers have sought to minimize its impact on the population.

Riots at Yarmouk University and sporadic crackdowns on the press marred an otherwise unchanged human rights situation in 1986. The absence of political parties, the continuance of martial law, and the scope of powers exercised by the police are areas of concern, but recent trends remain favorable. The increased opportunities for women in all areas of life, the continued importance given to the rule of law and an independent judiciary, and the gradual evolution of the Parliament (including recent byelections), have contributed to an improving human rights picture.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

The Government does not sanction political killing. While there have been political killings by nongovernment groups in the past, there were none in 1986.

There were no summary executions. Some Palestinians/West Bankers have been sentenced to death based on a Jordanian law permitting trials in absentia for selling West Bank land to Israelis, but these sentences have never been carried out.

b. Disappearance

No disappearances were reported.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There is no evidence that the Government condones or practices torture, although there have been reports of ill-treatment of detainees by police. Jordanian law provides for the decent

treatment of prisoners, and judicial authorities have been known to dismiss cases based on the apparent mistreatment of prisoners. In May 1985, the Director of Public Security established a special office to handle any public complaints of abuse by security officers and promised to punish offenders. A new prison (Juweideh prison) has been constructed and opened. Inmates of the old prison in Amman have been transferred to the new facility, and the Government plans to close the old prison. Prison conditions are Spartan by Western standards but not intentionally degrading. They are inspected by the International Committee of the Red Cross (ICRC).

d. Arbitrary Arrest, Detention, or Exile

Although Jordan has been under martial law since 1967, most persons are placed in custody by Jordanian authorities in accordance with the criminal code which requires imposition of charges within 48 hours. Persons may then be detained pending trial for 15 days, or longer if a court approves the prosecution's request for an extension. The criminal code is generally applied to persons arrested for designated martial law crimes, which include espionage, bribery of public officials, trafficking in narcotics or weapons, black marketeering, and security offenses. In the past, security forces have apparently detained incommunicado (or with limited outside access) some persons suspected of cross-border inflitration and security crimes. The General Intelligence Department (GID) can detain a person without trial for varying periods. However, under martial law provisions, such arrests should be confirmed within a maximum of 15 days by the Prime Minister or by local administrators serving as local military governors. Security detainees can be held without charges for indeterminate periods or can be formally charged and brought before the martial court for trial.

Military prosecutors known to have conducted improper arrests and detentions have been disciplined and transferred to positions of lesser responsibility. A petition for judicial review of the legality of the arrest of any detained person may be brought before the High Court of Justice, but is unlikely to be granted for those accused of security offenses.

On May 15, demonstrations at Yarmouk University, prompted by student dissatisfaction, developed into riots when security forces intervened. Three individuals were killed in the ensuing violence. Numerous arrests followed, including the arrest of all members of the Central Committee of the Jordanian Communist Party. Demonstrations in protest against the U.S. bombing of Libya also took place before the U.S. Embassy. Participants were subsequently arrested. Nevertheless, it does not appear that arrests for security reasons increased appreciably, if at all, in 1986.

Compulsory labor is forbidden by the Constitution and is not practiced. There are no instances of exile.

e. Denial of Fair Public Trial

All criminal cases, except martial law crimes and crimes committed by military personnel, are tried in civilian courts. The legal code and the independent selection of judges help to assure a fair trial. Trials are held in open court, except in a few cases such as those involving sexual offenses. Defendants are presumed innocent until proven guilty and have the right to be represented by counsel, to prepare a defense,

to cross-examine witnesses, and to refrain from giving self-incriminating testimony. The court appoints a lawyer for those who cannot afford one if the potential sentence is execution or life imprisonment. An effective appeals process may be utilized by either the defendant or the prosecution. Death sentences are seldom imposed.

Civilian judges must demonstrate legal competence in written and oral examinations before selection by a board composed of three judges, the Chief Attorney General, and the Undersecretary of the Justice Ministry. Judges may be removed from office only after serious transgressions of the law, i.e., "bad conduct", and after a disciplinary board hearing. The disciplinary board is, in fact, the judicial council, composed of the first Chief, Court of Cassation, for all Jordan; second Chief, Court of Cassation for all Jordan; Chief, Court of Cassation for Amman; Chief, Court of Cassation for Irbid; Chief Prosecutor for Jordan; and a Judicial inspector (appointed by the Council itself). When a judge is brought before the Judicial council for alleged misconduct, the Council hears the matter, examines the defendant judge, and imposes a penalty--which can range from actual removal to the imposition of fines.

The Government is reportedly establishing a judicial training institute. Apparently, very few people apply to become judges because of low pay and status, and the quality of the lower ranks of the judiciary is generally regarded as poor.

Martial law crimes are adjudicated in a military court before a panel of three military officers trained in the law. In practice, the military court observes the law of criminal procedure, and defendants are given the same rights as in a civilian court. However, the very quick trials and subsequent sentencings of Communists in May suggest that there are exceptions to this norm. No right of appeal exists from decisions of the military court; however, sentences of the court for martial law offenses must be ratified by the Prime Minister in his capacity as Military Governor. He has authority to increase, reduce, or annul the sentences. The cases are reviewed for fairness by a legal advisor or the Justice Minister before the Prime Minister makes a decision. The military court also adjudicates all crimes committed by military personnel. In these cases, the Commander in Chief of the Armed Forces must ratify the sentences.

Religious courts have jurisdiction over most family matters, such as marriage, divorce, child custody, or guardianship. The Shari'a (Muslim religious law) applies to Muslims in these areas, and a Shari'a court system handles disputes. Ecclesiastical courts handle similar matters for members of the main Christian sects. The civil courts administer the cases of other religious groups. Shari'a law, however, must be applied to questions of inheritance for all communities.

There have been reports of the detention of persons for political reasons under the martial law regime, but there are no reliable estimates of the numbers.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The inviolability of the home is respected. Police searches of homes require warrants except in rare cases involving security or the hot pursuit of fleeing suspects. It is believed that

security personnel sometimes monitor telephones and correspondence, but the practice is evidently not widespread.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution safeguards the freedoms of speech and press but permits limited media constraints under martial law. Jordanians freely express wide-ranging opinions, including criticism of the Government, in informal settings. Public debate is less pronounced but still notable in the state-owned radio and television networks, and the privately owned (but government-influenced) press, where a form of self-censorship persists. The Government provides editors with guidance occasionally on key foreign policy and security matters. On most other issues, government interference is minimal and critical commentary is tolerated. However, in mid-1986 several journalists had their accreditation lifted for a brief period because of their criticism of the Government for its handling of the Yarmouk incident and Irbid byelections. At the time, there were reports that some 20 journalists of both local and foreign papers had been barred from writing and publishing. Western correspondents and resident Western writers have occasionally expressed concern over government interference with freedom of the press, and some local editors reportedly have complained that they are prevented from covering stories considered "sensitive" by the Government. In September and October, several journalists were barred from publishing after making political comments during a television interview outside Jordan, and a local cartoonist has been warned against continuing to publish cartoons critical of the Government or its policies. At present, government interference and censorship do not appear to impede the free flow of ideas and information. In the past, there have been reports that members of the press have been placed under house arrest or charged with membership in an illegal organization. Currently all journalists must register with the Information Ministry and join the Journalists Association.

Foreign newspapers and magazines are widely available, although they are subject to occasional censorship.

b. Freedom of Peaceful Assembly and Association

Public demonstrations require a permit, rarely granted, from the Interior Minister. All organizations require government approval and may not have political objectives. Government surveillance of public meetings, university activities, and organization gatherings is routine. Following the May 15 riots at Yarmouk University, there were numerous arrests, a complete changeover in the University administration, and removal of the Interior Minister during an otherwise minor cabinet reshuffle.

Jordanians are free to join labor unions and professional associations. These organizations require government licenses which are usually granted without difficulty. Unions and associations defend the interests of their members, and their officers are elected by the membership. Unions engage in collective bargaining. Strikes have been held in the past, but none took place in 1986. Strikes are only permitted if the Ministry of Labor fails to act to arbitrate a labor dispute within 2 weeks after receiving a complaint from a union.

Strikes are not legal for government employees, who compose about half of the labor force.

About 20 percent of the Jordanian work force is unionized. Seventeen unions comprise the Jordan Federation of Trade Unions (JFTU). Several other unions do not belong to the JFTU. Unions have virtually no political role and confine themselves to representing their membership in such areas as wages, working conditions, and workers' layoffs. Their effectiveness varies widely. The JFTU actively participates in international organizations such as the International Labor Organization.

Professional associations for doctors, engineers, lawyers, pharmacists, and similar professional groups operate freely. They maintain influence with the Government in their respective areas of interest.

c. Freedom of Religion

Islam, the state religion, is observed by well over 90 percent of Jordanians. However, the constitutional guarantee of freedom of worship is adhered to by the Government. There appears to be little discrimination against religious minorities, who are well represented at all levels in government, the military, and the business community. Laws making harassment of religious minorities a crime are enforced. A variety of Christian groups, including Catholic, Orthodox, Armenian, Protestant, and Seventh-Day Adventist, maintain churches, schools, hospitals, and other institutions. A small Baha'i community also exists. A few foreign clergymen reside in Jordan. Although proselytizing among Muslims is forbidden, conversion by Muslims is not a crime.

All religious groups must register with the authorities in order to obtain official permission to operate in Jordan. However, there are instances wherein denominations failed to register but were nonetheless permitted to meet without harassment.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Movement within Jordan is unrestricted except in certain military zones. With a few exceptions (primarily military personnel and reservists who need permission for foreign travel), the Government does not restrict emigration or foreign travel. A woman must present the written consent of her husband, father, or male guardian to obtain an initial passport but thereafter may travel alone without restraint. Citizens who have left Jordan have the right to return. There are no reported cases of revocation of citizenship for political reasons. Jordanian courts hold that assuming a foreign nationality does not deprive a person of his Jordanian citizenship. Some citizens returning to Jordan, particularly those who have traveled to Communist countries, are questioned by the General Intelligence Department regarding security matters. The Ministry of the Interior formerly required permits for travel by Jordanians to Syria, but this provision was revoked in 1985-86. There are restrictions on travel to the West Bank, but the Government has recently taken steps to facilitate such travel.

Jordan has faced a long-term refugee problem from the influx of Palestinians made homeless by the 1948 and 1967 Arab-Israeli wars. According to the most recent statistics, Palestinian

refugees and their descendants on the East Bank total about 1 million, including approximately 203,000 living in refugee camps. The total includes refugees from the 1948 Arab-Israeli war and does not include a large but undetermined number of other persons from the West Bank, the Gaza Strip, and Israel who have settled in the East Bank since 1948. Except for some refugees from Gaza, all have been granted Jordanian citizenship and have the unrestricted right to reside, work, and own property. While Gazans do not have citizenship, in 1986 they were granted for the first time the right to purchase land and own property in Jordan. Gazans enjoy the right to work as well. The Government now issues Jordanian passports to Gazans resident on the East Bank who can prove they were displaced prior to 1971. The Interior Minister routinely grants permits for travel between the East Bank and Israeli-occupied territories.

Jordan has granted asylum even in cases which have strained relations with the neighboring states.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Executive and legislative powers are constitutionally vested in the King, who rules with the assistance of an appointed Council of Ministers. Parliament, reinstated by the King in 1984, is composed of an appointed senate and an elected lower house. It is overshadowed by the executive branch, but has the right to ratify royal decrees and laws proposed by the Council of Ministers. It is gaining in stature and functions with increasing effectiveness.

The lower house still is composed largely of members elected in the last national election of 1967, although since then 10 members for the East Bank have been elected directly and 14 members for the West Bank have been elected indirectly. A full third of the 30 East Bank members were elected in byelections in 1984 and 1986. Since 1972 general elections have been deemed to be impossible because of continued Israeli occupation of the West Bank. Vacant East Bank seats have been filled through byelections which generally have been considered fair and open. A new Electoral Law passed in 1986 provides for expansion of lower house membership to 142 members and also establishes distinct electoral districts on the East Bank which will allot seats to refugee camps on the East Bank. Vacant West Bank seats are currently filled by the vote of the other members of Parliament. Parliament also has reserved seats for Christians and Circassians.

Most municipal and town councils are elected by popular vote. The person receiving the highest number of votes is traditionally confirmed as mayor by the Minister for Municipal Affairs and then by the Prime Minister. However, the next session of Parliament is expected to consider legislation providing for the direct election of mayors. Women were enfranchised in 1973 and may also run for public office. King Hussein appointed the first female cabinet minister in 1979 and has continued to encourage the participation of women in the political process.

Organized political parties are not permitted, although several informal political groups operate openly. The Communist Party is banned. All persons seek elected office as independents.

JORDAN

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Although in the past Jordan attracted little attention from either private or international human rights organizations, this is changing. In 1986 it received more attention and more criticism. The Jordanian lawyers' professional association, which has a human rights committee, continues to be relatively active in this area. Other local organizations and ad hoc groups also occasionally issue statements and petitions on such human rights concerns as Palestinian rights and the ban on political parties. The International Committee of the Red Cross (ICRC) maintains an office in Amman and its representative regularly visits prisons and detention facilities. He is allowed to meet all detainees in accordance with standard ICRC criteria. Members of the royal family have demonstrated interest in human rights. For example, Crown Prince Hassan is cofounder of the independent Commission on International Humanitarian Issues and chaired a 3-day seminar sponsored by the Commission in December on human rights and human welfare issues including refugees, famine, child abuse, and "mass expulsion of population groups from national homelands".

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Women's role in society has been changing in recent years. Women now account for half the student body at the elite University of Jordan. At another educational level, a vocational training center in Amman teaches women to repair radios, televisions, and office machinery. Such changes in educational patterns are similarly reflected in the work force. Women today comprise about 20 percent of the labor force, compared to 4 percent in 1975. Women participate generally in subordinate positions and most heavily in clerical, teaching, and administrative jobs. There has been a significant increase in the number of women in such professions as medicine, engineering, and architecture. However, professional women and women's associations believe that more remains to be done to increase female participation in these areas. Women are also now officers in the police, and two female Jordanian pilots fly for Royal Jordanian Airlines. Women increasingly operate businesses. The Government encourages women workers by requiring maternity leave and child care centers at large establishments. However, these regulations are not enforced strictly. Women appear to be taking an increasingly active role in promoting their professional and employment rights. A recent controversy over a purported ban on the hiring of married teachers for rural areas provoked an effective response from women's associations.

Equality between men and women is the legal norm. In practice, however, certain traditions can constrain women's freedoms, and the entry of women into professional and academic realms previously the traditional preserve of men can spark resentment and opposition.

In matters of inheritance and divorce, women are treated differently. Under Islamic law, sons inherit twice as much as daughters. However, the son is required to use his inheritance for the maintenance of his mother and sisters, but a female is free to retain her inheritance for herself. Likewise, a man may obtain a divorce more easily than a woman, but he may be

required to pay considerable compensation based on the marriage contract. A reformed divorce law increased compensation for women suffering from an arbitrary divorce. Women may also gain and retain custody of children until the children obtain their legal majority, but they may lose custody if they remarry.

CONDITIONS OF LABOR

Jordan's workers are protected by a comprehensive labor code enforced by inspectors of the Ministry of Labor. Children under age 13 are not permitted to work. Children age 13 to 15 are allowed to work a maximum of 6 hours a day, but are forbidden to work at night (except with special permission) and in certain occupations regarded as dangerous. The Government prepares and adjusts periodically a minimum wage schedule for various trades based on recommendations of an advisory panel composed of representatives of workers, employers, and the Government. Maximum working hours are 48 hours per week, with the exception of hotel, bar, restaurant, and movie theater employees who can work up to 54 hours. Workers are entitled to a weekly day of rest, rest intervals during the work day, 2 weeks annual paid leave, 2 weeks annual sick leave, and severance pay. The law specifies a number of health and safety requirements, including bathrooms, drinking water, safety equipment, and first aid equipment for workers. Jordan also has a worker's compensation law. The Government appears to administer and enforce its labor laws fairly.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: JORDAN

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	20.0	100.0	95.3
LOANS.....	7.0	5.0	0.0
GRANTS.....	13.0	95.0	95.3
A.AID	20.0	100.0	95.3
LOANS.....	7.0	5.0	0.0
GRANTS.....	13.0	95.0	95.3
(SEC.SUPP.ASSIST.)...	20.0	100.0	95.3
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	116.7	91.9	83.1
LOANS.....	115.0	90.0	81.3
GRANTS.....	1.7	1.9	1.8
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	115.0	90.0	81.3
C.INTL MIL.ED.TRNG....	1.7	1.9	1.8
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	136.7	191.9	178.4
LOANS.....	122.0	95.0	81.3
GRANTS.....	14.7	96.9	97.1
OTHER US LOANS.....	45.0	0.0	0.0
EX-IM BANK LOANS.....	45.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-85
TOTAL.....	147.7	113.3	102.7	828.8
IBRD	130.0	101.5	102.7	555.0
IFC	0.7	0.0	0.0	96.1
IDA	0.0	0.0	0.0	83.8
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	2.5	0.3	0.0	42.5
OTHER-UN	0.0	0.0	0.0	7.4
EEC	14.5	11.5	0.0	44.0

KUWAIT

Kuwait's amirs, drawn from the Al-Sabah family, have traditionally governed in consultation with several commercially powerful families and other community leaders. The 1962 Constitution contains detailed provisions on the powers and relationships of the branches of government and on the rights of citizens. Kuwait's National Assembly has institutionalized a degree of consultation with the ruling family and served as an outlet for popular expression, including criticism of the Government. However, in July 1986 the Amir decreed the National Assembly's dissolution, citing the breakdown in cooperation between the executive and legislative branches at a time when the nation faced serious economic and security problems. The Amir also decreed the suspension of constitutional provisions mandating the Assembly's restoration within a 2-month period. It remains unclear when the Assembly might be reconvened.

Kuwaitis are a 40 percent minority in their own country, outnumbered by expatriate workers and the large resident Palestinian community. Kuwaiti citizens are 60-65 percent Sunni Muslim; the remainder are Shi'ite Muslim and a tiny minority of Christians. Although the members of Kuwait's Shi'a minority perceive themselves to be largely excluded from leadership positions in the Government, many have achieved great wealth, and there is no evidence of discrimination against Kuwaiti Shi'as in the administration of the Government's impressive social welfare programs. The Iranian revolution has made Kuwait's leadership more aware of the potential for Shi'a subversion. Meanwhile, the majority Sunni community has experienced an upsurge of Islamic fundamentalism which frequently conflicts with attitudes of the traditionally moderate members of the merchant class. Kuwait has over 300,000 long-term Palestinian residents, many in their second generation. Non-Kuwaitis are given due process under the law but have few other civil and political rights.

With its large oil reserves, Kuwait enjoys a high standard of living. Its per capita gross national product was estimated by the World Bank to have reached $17,880 in 1983.

In addition to dissolving the National Assembly, the Amir's July decrees imposed a system of prior censorship on the Kuwaiti press. The Amir's action added to existing restrictions on the political and civil rights of all Kuwaiti residents, women and expatriates in particular. However, the Government rarely violates the integrity of the individual. Kuwait's security apparatus is used primarily to maintain internal order. It does not engage in political repression.

Measures adopted by the Government to combat terrorism and the increased political turbulence in the region have resulted in increased restrictions. While 1986 witnessed fewer terrorist incidents than the previous year, Kuwait's security organizations continued to have an expanded role, particularly with regard to the noncitizen community. In recent years, security measures have been strengthened, as have legal restrictions on public gatherings and the dissemination of "subversive" literature. Increased attention to law and order is also viewed by some Kuwaitis as a means to protect their society against the threat they perceive to Kuwaiti moral and social values from the large foreign population. Internal socioeconomic changes brought on by sudden oil-related wealth, coupled in recent years with violent revolution in Iran and the Iran-Iraq war, have also led to a growing demand by

well-organized groups for stricter controls over public morality and political expression. A resurgent Islamic fundamentalist movement advocates adoption of a more stringent legal code based on Islamic Shari'a law.

Following an unsuccessful assassination attempt in 1985 against the Amir, over 15,000 non-Kuwaitis were deported in that year, and approximately 27,000 were deported in 1986.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killings in 1986, in contrast to the previous year when assassination attempts and terrorist bombings claimed the lives of 16 persons.

b. Disappearance

There were no reported disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Local security forces, without authorization, occasionally use physical violence when interrogating persons suspected of committing criminal acts. These incidents do not appear to be widespread or condoned. Non-Kuwaitis are more likely to receive rough treatment than are Kuwaitis, and the seriousness of the suspected crime also appears to play a role. Evidence of mistreatment during interrogation is a defense in Kuwait's courts and has led to the release of a number of suspects. The courts often hold police officers to account for abuses. In February, the press reported that a policeman had been fined for beating a suspect under interrogation. In its 1986 Report, Amnesty International expressed concern about reports of torture, in some cases leading to death, of detainees by security forces. It also criticized the reported statement by a member of the Government defending the practice of "falaqa" (beatings on the soles of the feet) for security reasons.

Kuwait's prisons are managed along modern lines, with facilities for inmates' recreation and vocational training. By and large, prison guards treat inmates humanely, and the Government provides food and other necessities. Young offenders, few of whom are imprisoned, are separated from persons charged or convicted of serious crimes. There is no policy of discriminatory treatment among prisoners for racial or religious reasons.

Kuwait's legal process is based in part on Islamic law, but punishments such as mutilation or stoning are not permitted. The Government has rejected calls by Muslim fundamentalist elements for the full implementation of Islamic law and, by extension, its harsh punishments.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and imprisonment are prohibited by the Constitution. In 1986 there were no reports of persons being detained for political reasons. The Penal Code affirms the right of accused persons to due process and stipulates that

detainees cannot be held for more than 4 days without charge. A prosecutor's approval is required for detention periods beyond 24 hours. Thereafter, the suspect must either be released or charged by a prosecutor, who may authorize detention for up to an additional 21 days. Further detention pending trial may be authorized by a judge. Warrants are required unless a person is apprehended in the act of committing an offense. These legal safeguards are generally observed, with arrests being made openly and for specific violations of law. Reports of incommunicado detention are rare. Road blocks and spot checks of outdoor gatherings of expatriates, especially of South Asians, are used sporadically by the police during searches for illegal immigrants and contraband liquor. Persons without proper identification may be detained by the police under the procedures described above.

In 1985, when a number of Kuwaitis and non-Kuwaitis were detained following the terrorist attack on the Amir's motorcade and the cafe bombings, there were some credible reports of arbitrary detention. The Government subsequently stated that such abuses would be halted; in 1986 there was evidence of one possible abuse. In January a Kuwaiti army officer and two expatriate residents were arrested for distributing pamphlets critical of the Government. Reliable sources indicated that the detainees were held in solitary confinement and held incommunicado for a month. The three were tried in March; the two expatriates were acquitted, while the military officer received a prison sentence.

No Kuwaiti citizen may be exiled or denied return to Kuwait. However, a noncitizen, even if a long-term resident, may be summarily expelled if the authorities deem him a troublemaker. The number of expatriates deported in 1986 increased to approximately 27,000 as part of a sustained security crackdown in response to the attack on the Amir in May 1985. As in previous years, the vast majority of deportees were expelled because they had arrived in Kuwait illegally or because their residence permits had expired.

There is no forced labor in Kuwait.

e. Denial of Fair Public Trial

Kuwait's judicial system is independent and, except for the State Security Court, provides for public trials and the right of appeal. Judges are appointed by the Amir at the recommendation of the Justice Ministry. Kuwaiti nationals serving as judges usually receive lifetime appointments, while the many non-Kuwaiti judges serve under 1- to 3-year contracts, which are renewable. Judges may be removed by the Justice Ministry for cause, but such removal is reportedly rare.

All defendants are represented by attorneys--court-appointed, if necessary. The courts give consideration to defendants' allegations of police mistreatment in reaching verdicts and sentencing. Defendants tried in absentia have the right to an additional appeal. There are no reports of government interference in judges' issuance of verdicts or of discrimination against defense counsel. However, the court-appointed attorney of a defendant unable to engage his own lawyer is not always given adequate time to prepare a defense. Interpretation of court proceedings to ensure their understanding by non-Arabic speaking defendants is sometimes inadequate.

KUWAIT

Defendants' rights are not always fully respected in the State Security Court, which convenes on an ad hoc basis to handle cases deemed of an internal security nature. Composed of judges normally serving in other courts, this tribunal conducts its proceedings in closed sessions; its judgments are not subject to appeal. Defendants are permitted to have an attorney.

In October the Court began hearing the trial of those charged in the 1985 attack on the Amir and in November it condemned to death the sole defendant in custody charged with responsibility for the attack. Of four others tried in their absence, one received a life sentence and three were acquitted. The trial followed a lengthy investigation. The Amir must approve the death sentence.

In its 1986 Report, Amnesty International expressed concern about the fairness of trials of possible prisoners of conscience before the State Security Court. The report cited the November 1985 case of Kamil Husayn 'Ali Dashti, who was sentenced to 5 years in prison for having written a leaflet calling for the overthrow of the Government.

According to the Constitution, military courts have jurisdiction only over offenses committed by members of the armed or security forces, except during periods of martial law (which has never been declared in Kuwait). However, it was the State Security Court, not a military tribunal, that tried the military officer in March for distributing antigovernment pamphlets.

The Amir has the power to pardon or commute sentences passed by either civilian or military courts and does so through the publication of an annual list of commutations following major religious holidays.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The right to individual privacy and sanctity of the home is provided for in the Constitution and generally respected in practice. Warrants are required to search, unless the police are in hot pursuit of a suspect fleeing the scene of a crime or there is an indication of the presence of alcohol or illegal narcotics. Search warrants to enter premises are issued by a public prosecutor. Expatriates, and particularly common laborers and servants who live in accommodations provided by their employers, may have their premises searched by the police with authorization only of the employer.

In June 1986, the Government restricted Kuwaiti males' right to marry foreigners, decreeing that official approval in advance would henceforth be required. The Government's action was apparently motivated by concern over how to meet its responsibilities toward the children of non-Kuwaiti spouses residing outside the country. The Government, and the public at large, were also concerned about the growing number of Kuwaiti males opting to wed foreigners rather than Kuwaiti nationals.

KUWAIT

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Constitutional guarantees of this freedom are often subject to such conditional phrases as "in accordance with conditions and manner specified by law." The Kuwaiti or foreign resident feels free to offer his opinion in private without fear of official retaliation. However, no one may make a written or public attack upon the Amir and the ruling family, upon Islam, or upon leaders of Arab states. Kuwait has an active censorship department, which reviews all books, films, videotapes, periodicals, and other material entering Kuwait in bulk or for commercial purposes. Items arriving by post for individual or institutional use are usually not opened before delivery unless the contents are suspected of being pornographic. Radio and television are government owned and controlled.

In July the Amir issued decrees that amended the press law to impose a system of prior censorship on the Kuwaiti press and authorize the Government to suspend for up to 2 years any publication found to be serving foreign states or organizations, receiving assistance from foreign sources without the approval of the Information Ministry, or publishing material conflicting with Kuwait's national interests. The new censorship regulations also toughened existing penalties for violators, prescribing prison sentences of up to 3 years and fines up to $17,000, or both, for offending publishers, editors, and journalists.

As before, the press was forbidden from publishing material that contained direct criticism of the Amir and the ruling family, involved official confidential communications or treaties and agreements with other states, might disturb relations with Arab and friendly states, or, in a final category, "might incite people to commit crimes, create hatred, or spread dissension among the people." Prior to the July decrees there was selective enforcement of the list of proscribed topics; violators were usually only issued warnings. Since July, however, government censors have reviewed press items before their publication and ensured compliance by excising offending material.

There were no reports in 1986, either before or after the July decrees, of newspapermen being arrested or journals being confiscated or suspended. During the year, however, several foreign journalists residing in Kuwait and associated with local newspapers were summarily deported. However, these journalists' work, apparently sent from abroad, has continued to appear in the local press, at least occasionally. Since July, the leftist-oriented weekly Al-Talia'a has failed to appear on newstands, reportedly in protest over the new censorship regulations. By law, publishers lose their license, issued by the Information Ministry, if their publication does not appear for 6 months. On occasion, the Government has rejected applications for licenses to publish new daily papers, claiming that Kuwait's seven existing dailies (five in Arabic, two in English) are sufficient to present diverse viewpoints. In 1986 the Government used this justification to refuse an application by the Sunni Muslim fundamentalist organization, The Social Reform Society, to publish a daily paper. At present, the organization issues a weekly journal, Al-Mujtamah. Also in 1986, the National Assembly passed a bill permitting professional societies to

publish their own periodicals, regardless of whether they were officially sanctioned. The Government refused to ratify the law, again claiming that Kuwait's existing publications were adequate. Some observers, though, believed that the Government's rejection of The Social Reform Society's license application and the National Assembly measure stemmed primarily from a desire to prevent any new "political" journals from appearing.

b. Freedom of Peaceful Assembly and Association

Political parties are banned. Political activity finds some outlet in informal social gatherings known as "diwaniyyas." The Constitution protects the right to private assembly, public meetings, processions, and gatherings which are peaceful and not contrary to public morals. However, any group of more than three persons desiring to meet for public discussion (or to meet privately but to issue a public statement) must receive prior permission from the Ministry of Interior. The authorities may prevent such an assembly merely by ignoring the request. During 1986 there were no mass gatherings of a political nature, but there was one confirmed case of the authorities preventing an unauthorized public meeting. Following the U.S. strike against Libya in April, Hassan Al-Farrag, head of the Kuwaiti Trade Union Federation at the time, tried to convene a public meeting to protest the U.S. action but was prevented from doing so by security officials.

Kuwaiti citizens are free to establish and join trade unions. However, only government employees and the petroleum, banking, and airline sectors are unionized; the majority of union members are civil servants. Unions may draw up their own constitutions, formulate their own programs, and join international confederations. Many union activities are funded by the Government and are subject to official approval. The Government's ban of the public meeting called by trade union leader Al-Farrag indicates that the authorities also monitor labor movement activities. Workers have the right to bargain collectively. The right to strike is recognized. In 1986 there was one reported strike, by oil workers seeking higher wages. Kuwaiti labor law has a provision allowing for compulsory dissolution of any union that "commits an act considered to be violating the provisions of this law and of the laws connected with the preservation of public order and morals." Expatriate workers, who comprise the majority of the labor force, are permitted to join unions after 5 years' residence. Non-Kuwaitis are considered "associate members" of unions and are not permitted to vote, hold office, or create new unions. Since each union must be formed by and have several Kuwaiti members, expatriate unskilled workers have no union representation.

Professional groups, bar associations, scientific bodies, and labor unions are permitted to establish international contacts without government interference. The Kuwait Federation of Trade Unions, grouping government and petroleum workers, is a member of the International Confederation of Arab Trade Unions and the World Federation of Trade Unions. Kuwait is an active tripartite member of the International Labor Organization (ILO).

c. Freedom of Religion

The Constitution declares that "freedom of belief is absolute" but must not "conflict with public policy or morals." Kuwait's state religion is Islam; the Shari'a (Islamic law) is, according to the Constitution, "a main source of legislation." The ruling family and most prominent Kuwaiti families are Sunni Muslims. There is no official policy of discrimination against Shi'a Muslims, who constitute about one-third of Kuwait's citizenry, but they and members of Kuwait's tiny Arab Christian minority are seldom appointed to sensitive government positions. There are a number of expatriate Christian congregations and churches. In recent years the Government has banned Christmas parties and dancing in the country's hotels and restaurants. Pressure from fundamentalist Islamic groups is the unstated reason for the restriction. Expatriate practitioners of Eastern religions, e.g., Hindus, Sikhs, and Buddhists, are not allowed to establish places of worship but may worship privately in their homes. Proselytizing of Muslims by non-Muslims is prohibited.

In recent years, the National Assembly has barred the future granting of citizenship to non-Muslims, prohibited all importation of alcoholic beverages, and repeatedly attempted to establish Islamic law as the basis for all legal process. Assembly members also pressured, with some success, those campuses of Kuwait University which were sexually integrated to separate the sexes in the classrooms and other facilities, such as cafeterias. The Government accommodated the National Assembly's demands for the application of some fundamentalist principles but blocked attempts in the Assembly to apply Islamic law across the board.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens generally are free to travel inside and outside the country, to emigrate, and to return. There is some restriction on foreign travel for young men who have not completed, or been exempted from, their compulsory military service. Those serving in the military must receive permission from the Defense Ministry before traveling abroad. Although there are no different legal standards regarding the internal or foreign travel or emigration of Kuwaiti women, in practice husbands can prevent their wives and minor children from leaving the country.

There are occasional instances in which citizens' passports are suspended temporarily. Generally, this has applied to criminal suspects but sometimes to outspoken regime critics as well. At the end of 1985, upwards of 8,500 Kuwaitis were barred from traveling abroad because of debts remaining from the collapse of an extra-official stock market 4 years earlier. Many of these persons had their travel rights restored during 1986. Representatives of societies, associations, and trade unions wishing to travel to and participate in international meetings have to receive prior permission.

Although the Constitution states that "no Kuwaiti may be deported from Kuwait or prevented from returning thereto," individuals have been stripped of Kuwaiti citizenship and deported. Such actions appear to be rare and in some cases have been based on the voluntary acquisition by the individual of foreign citizenship. However, in March 1986 the

authorities withdrew citizenship from two persons following their convictions in the State Security Court. One of the two had been found guilty of defaming the Amir and sentenced to prison for 2 years. The other had been convicted of belonging to a subversive group and sentenced to a 5-year prison term.

All non-Kuwaitis residing in Kuwait over the age of 21 must have the sponsorship of a Kuwaiti citizen. Kuwait does not extend permanent residence to its expatriate population. Employers have the power to restrict job mobility and the tinued residence in Kuwait of their expatriate employees. Many expatriates (including some government employees, such as teachers) must surrender their travel documents to their employers, thus preventing them from leaving the country without the employer's consent. Those employed by government agencies are given residence visas which require an exit permit or "no objection" letter in order to leave the country. In accordance with law, non-Kuwaitis convicted of crimes are routinely deported after serving their sentences.

Illegal entrants to Kuwait are normally returned to their home countries. Exceptions have been made for those, mostly Iranians and Afghans, who are considered by the Government to be legitimate refugees and have been permitted to remain in Kuwait or sent to third countries. Most members of Kuwait's large Palestinian population have Lebanese or Jordanian travel documents. Since 1984, undocumented Palestinians and those with Lebanese documentation have received commitments from the Government that they will be allowed to stay even without sponsors, although Palestinian youths over 21 years of age who travel or study outside Kuwait often have difficulty rejoining their families in Kuwait.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Al-Sabah, a family of Bedouin origin, have ruled Kuwait for over 200 years. The 1962 Constitution limited succession to descendants of Mubarak the Great, the ruler at the turn of this century. In practice, the ruler and senior family members choose the Crown Prince from either the Al-Jaber or the Al-Salim branch of the Al-Sabah. Under the Constitution this choice is confirmed by majority vote of the National Assembly. Executive power is vested in the ruler and, under him, in an appointed Council of Ministers, currently numbering 21, whose chairman by tradition is the Crown Prince.

Upon independence, Kuwait inaugurated a National Assembly composed of 50 deputies, elected by secret ballot, plus cabinet members, sitting ex-officio. The electoral law provides that candidates for the National Assembly be self-nominated, with multiple candidates permitted to compete for the 50 seats. A "grandfather clause" effectively limits suffrage to adult males who resided in Kuwait before 1920 and maintained a residence there until 1959, and their adult male descendants. In June, the National Assembly approved an amendment to the 1966 Nationality Law that delayed for 10 years, until 1996, the granting of voting rights to Kuwait's so-called "second category" citizens. The latter are certain long-time Arab and non-Arab residents who do not meet the "pre-1920" qualification. Efforts since 1982 to gain suffrage for women have been unsuccessful.

On July 3 the Amir decreed the dissolution of the National Assembly for an indefinite period and the suspension of

various constitutional provisions, including Article 107 which specified that, within 2 months of the Assembly's dissolution, either special elections be held for a new Assembly or the dissolved one be reinstated. In his announcement of the dissolution decree, the Amir mentioned the lack of cooperation and dialogue between the Government and the Assembly at a time when Kuwait was facing major economic problems, serious threats to its security, and other ills. He did not indicate when the Assembly might return but gave assurances that Kuwait would not abandon its parliamentary process. The Assembly previously had been dissolved in 1976 and not reinstated until 1981. In the Assembly's absence, the Amir will rule via decrees having the force of law.

The Assembly's dissolution represented a setback for citizens' political rights. Far from being a rubber stamp, it had served over the years as an important forum for the expression of diverse political views, some sharply at odds with those of the Government. The most recent elections, held in February 1985, featured generally fair and hard-fought campaigns by competing candidates. While the Assembly rarely rejected government-proposed legislation, it was capable of exerting sufficient pressure on the Government to cause it to modify its legislation to satisfy Assembly desires. In its review of government policy and programs, the Assembly asserted its prerogatives, frequently questioning ministers and criticizing their performance. Indicative of the willingness of both the Assembly and the judiciary to challenge the Government, in June Kuwait's Constitutional Court ruled against the executive in a major decision. The Court found that the Assembly had the authority to investigate past actions by ministries and to examine Central Bank records; the Government had contended that the Assembly could only inquire into current ministerial activities and was not authorized to examine bank records.

Informal contacts between rulers and ruled are an important feature of the Kuwaiti political system. Traditionally, adult male Kuwaitis have had relatively easy access to their tribal and religious leaders, the heads of the prominent merchant clans, and to the ruling family itself through the system of "diwaniyyas," informal discussion groups to which anyone can come and freely speak his mind. That custom has endured, as has the tradition that the Amir should govern in consultation with the other community leaders. High-ranking officials are also approachable through "wasta," the use of influential family members or acquaintances as intermediaries in obtaining favors or a more favorable hearing for one's case.

While most male Kuwaiti citizens can participate directly or indirectly in the political process, noncitizens, who outnumber Kuwaitis by three to two, have no role. Kuwait has been reluctant to extend citizenship to those of non-Kuwaiti origin, with the exception of certain stateless Bedouin. Naturalization of even Kuwait-born persons is rare. This anomaly is particularly striking for the 300,000 Palestinians, the second largest segment of the population. Citizenship has been extended only to a few Palestinian families who made significant contributions to Kuwait before the early 1970's. The Government has established a committee to draw up criteria for granting citizenship, but the results of its deliberations are not expected in the near future. Expatriates seldom engage in political activities for fear of exposing themselves to possible deportation.

KUWAIT

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no known current requests by nongovernmental organizations to examine human rights in Kuwait.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Kuwaiti women are allotted a subordinate role by statute and practice. Denied the vote, women are also limited by tradition from freely choosing their role in the society, though less so than in some other Islamic countries. Nevertheless, there are Kuwaiti women who are outspoken in their demand for a broader role in society. In contrast to the practice in some neighboring countries, a Kuwaiti woman is permitted to drive a car, may wear Western dress in public, and has legal access to higher education inside and outside the country. Women have the right to litigate against men (for example, in child custody suits). In recent years, growing numbers of Kuwaiti women have joined the work force, and are able to compete for government and corporate employment. Some have reached senior government positions, up to the level of assistant under secretary. Women are well represented in the field of education, including at the university level. As yet, there are no female judges, but in October the Government named the first woman as a prosecutor. The Government, however, has restricted women from being assigned abroad in Kuwait's diplomatic service. Some prominent, educated persons, both men and women, also are wary of current fundamentalist trends, which they fear may lead the Government to restrict women's freedoms as a price for fundamentalist restraint on other issues, such as the "Islamization" of Kuwait's Western-oriented banking and financial system.

There is no evidence of discrimination among citizens in the administration of Kuwait's extensive social welfare programs, designed to provide housing, family allowances, retirement income, medical care, education, and employment. However, foreign residents, who constitute about 60 percent of the country's total population of 1,710,000, do not share in many of the rights and benefits Kuwaiti nationals enjoy. Ownership of commercial establishments (above 49 percent),real estate, and shares on the local stock market is open only to Kuwaitis. Labor laws give priority to Kuwaitis, then Arabs, and lastly other foreigners. In the last 2 years, an economic recession has threatened the expatriate community by encouraging efforts to reduce the number of long-term resident foreigners.

White collar and skilled expatriate workers earn the same base pay as Kuwaitis, but receive less in fringe benefits. Benefits restricted to Kuwaiti citizens include higher government salaries, additional government stipends and social allowances, and, in general, retirement pensions. Resident expatriates are entitled to medical benefits. Public schooling is offered, with some exceptions, only to children of expatriates who arrived in Kuwait prior to 1957, although the Government subsidizes tuition for students in a number of Arabic language elementary and secondary schools. Kuwaitis are given preference for admission to the University of Kuwait, and, because of limited space for new enrollees, non-Kuwaiti university entrants may equal no more than

10 percent of the number of Kuwaiti entrants. Unskilled expatriate workers earn much less money and usually are not permitted to bring their families to Kuwait. Some of these workers live in crowded apartments or work camps.

CONDITIONS OF LABOR

General conditions of work are established by Kuwaiti labor law for both the public and private sector, with the oil industry treated separately. The law limits the workweek to 48 hours, provides for a minimum of 14 days' leave per year, establishes a compensation schedule for industrial accidents, and establishes a minimum age of 18 years for full-time work or 14 years for part-time work. Women are permitted to work except in "dangerous industries and trades harmful to the health" and are promised "equal remuneration to that of a man provided she does the same work." There is no legal minimum wage, but this has little impact in practice since Kuwait is not a low-wage country.

Reflecting the importance of the petroleum industry in Kuwait, the law governing employment in this sector is more generous than the general laws. It provides for a 40-hour workweek, overtime pay for shift work, 30 days' annual leave, and a generous sick leave policy. By and large, employers appear to respect provisions of the labor law and provide suitable working conditions, although some abuses occur in the treatment of unskilled expatriate workers, particularly household maids and servants.

There are two ministerial orders that supplement the above laws. Number 14 (1970) established an interministerial board to resolve labor disputes, and number 42 (1979) created a permanent commission to coordinate activities in the field of public health and occupational safety.

LEBANON

Formally, Lebanon is a constitutional democracy with a directly elected, unicameral Parliament which chooses the President. Political power is divided on the basis of a formal Constitution and in accordance with the unwritten, confessionally based National Pact of 1943, which provides for a Maronite Christian President, a Sunni Muslim Prime Minister, and a Shi'ite Muslim Speaker of Parliament. The National Pact also provides for the proportional allocation of government positions among various religious groups on the basis of the 1932 national census.

Eleven years of war, however, have drastically reduced the authority of the central Government and its ability to safeguard human rights and have seriously undermined the country's democratic institutions. Unofficial militias have seized control of much of the country, where they, in effect, govern the civilian population and enforce their own version of justice without regard to the central Government or legal norms. Moreover, the presence of foreign forces has greatly diminished those areas under government authority. Although Israel withdrew the bulk of its forces from South Lebanon during 1985, the Lebanese Government has yet to extend effective authority to that region. Through the presence of an estimated 30,000 troops, Syria continues to control large parts of northern Lebanon as well as much of the Biqa' Valley. Even in those few areas of Lebanon under nominal central government control, the authority of the State and its security services does not go unquestioned.

Already seriously disrupted by more than a decade of war, Lebanon's free enterprise economy deteriorated catastrophically in 1986. Business confidence, already eroded, dwindled further, new investment stagnated, and remittances from Lebanese abroad dropped to the lowest level since 1975. The value of the Lebanese pound plummeted, causing a serious decline in the standard of living of most Lebanese and for the first time seriously threatening the middle class.

The year 1986 brought no overall improvement in the human rights situation. As in previous years, major battles fought in densely populated areas intentionally or unintentionally cost the lives of hundreds of civilians and displaced thousands of others. Noncombatants far from the fighting have also been the targets of violence, such as terrorist bombings, random shellings, assassinations, and abductions. Freedom of movement between East and West Beirut and to much of the country was severely limited.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Rival factions routinely kill for political motives. Such killing has not been restricted to soldiers and militiamen; it has also been used frequently against noncombatants. Both indiscriminate and carefully planned attacks against civilian targets continued to occur throughout 1986, killing hundreds and wounding, endangering, and displacing thousands. While forces outside of government control were responsible for most of these killings, opponents of the Lebanese Government charge

that security forces and the Lebanese Army also carried out such attacks during the past year.

Such political killing has resulted from both conventional warfare and terrorist attacks. In 1986 residential areas in greater Beirut, Sidon, and elsewhere in South Lebanon were frequently the target of random shelling, whose purpose often appears to have been to kill or intimidate civilians. Terrorist attacks in the form of massive car bombs indiscriminately killed scores of civilians in East and West Beirut and elsewhere in Lebanon. In all instances, these explosions took place in neighborhoods or villages in which one confessional group predominates, and thus appear to have been aimed against that group. The car bombs were usually detonated in crowded areas in order to maximize casualties.

For parts of 1986, South Lebanon was virtually sealed off from the rest of the country by intense fighting between Lebanese Shi'a and Palestinians. The "War of the Camps," which first erupted in 1985, resumed in April 1986, continued until mid-June, and broke out again with renewed violence at the end of September. During the summer and fall, repeated attacks against the U.N. Interim Force in Lebanon (UNIFIL) forced a major redeployment of the French contingent and reconsideration of the UNIFIL mandate.

Heavy fighting also occurred between Lebanese Shi'a and Palestinians in and around the refugee camps in West Beirut. These clashes resulted in several hundred deaths on each side, including both militiamen and civilians.

In addition to random acts against civilians, there were numerous assassination attempts against prominent political, military, and religious figures. These assassination attempts took the form of ambushes, rocket attacks on homes, and car bombings. Attacks on foreign diplomats in Beirut continued. The French Military Attache was killed, and there were numerous attacks against a number of embassies.

b. Disappearance

Thousands of Lebanon's inhabitants have disappeared since the beginning of the war in 1975. Private militias and foreign forces, rather than official Lebanese security services, appear to be responsible for most of these kidnapings. Some victims may have been summarily executed. Most of these persons remain unaccounted for, but occasional hostage exchanges and releases do occur.

During 1986 politically motivated kidnapings continued unabated. Abductions were particularly prevalent in West Beirut and along the so-called Green Line, which divides predominantly Christian East Beirut from mostly Muslim West Beirut. Some Lebanese were kidnaped because of their affiliation with rival militias. Most, however, were civilians abducted simply on the basis of religion. The Lebanese victims included, for example, Muslims traveling to East Beirut and Christians living or working in West Beirut. In 1986 abductions of foreign diplomats, journalists, and academics continued in West Beirut. A few were eventually released but, as of the end of 1986, 18 U.S., French, British, Italian, Irish, and South Korean nationals remained hostage. Two British citizens and an American librarian from the American University of Beirut (AUB), kidnaped in late 1984, were murdered by their captors in April 1986. In 1986 two U.S.

nationals, the comptroller of AUB and the former director of the Lebanese International School, were abducted. Several Lebanese employees of AUB and the American University Hospital (AUH) were abducted during the year as well.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Overwhelmed by the presence of private militias and foreign forces, the official Lebanese security services control so little territory that relatively few allegations of torture are made against them.

Almost no reliable information is available on the treatment of prisoners held by Lebanese militias, Syrian occupying forces, the Israeli-sponsored Army of South Lebanon, or Palestinians. Allegations of brutal treatment abound, but it is impossible to determine to what extent these allegations, which are often leveled by archenemies, reflect actual practices.

d. Arbitrary Arrest, Detention, or Exile

Under Lebanese law, a suspect must be arraigned before an accusation committee (a panel of three judges) and the prosecutor within 48 hours, but government prosecutors sometimes hold suspects indefinitely for interrogation without reference to a judge. Every prisoner has the right to legal counsel, but there is no public defender's office. Bail is permitted in most cases.

No militia or foreign occupying force observes the legal safeguards which the Government is committed to apply in arrest cases. In general, persons arrested by these groups are denied access to the judicial system.

Various militias detain individuals arbitrarily for indefinite periods, often to be exchanged for persons held by rival militias. Such detainees are frequently held incommunicado. In addition to politically motivated abductions, some militias presume to enforce law and order in regions under their control, arresting, imprisoning, and executing individuals on purely criminal charges.

The Army of South Lebanon maintains a detention center in Khiyam, which neutral observers have not been allowed to visit. The Government does not, as a rule, arrest or exile its political opponents. Fear of assassination by political rivals has, however, driven several prominent Lebanese into voluntary exile, and the general decline in public security has stimulated the emigration of many Lebanese.

The Government does not use forced labor. In the present anarchy, however, militias have forced workers, especially immigrant laborers, to perform unpaid duties such as filling sandbags for use in building defenses against attack.

e. Denial of Fair Public Trial

Lebanese law, practice, and custom provide the right to a fair public trial. A decade of war, however, has disrupted the judicial process and many cases remain unadjudicated. Trial delays result, for example, from the difficulty of conducting investigations when most of the country remains beyond effective government control, from a shortage of judges, and, most importantly, from the general breakdown in security.

LEBANON

Although Lebanese police and courts are present throughout the country, the disposition of criminal cases ultimately depends on the group in power locally. For example, militias frequently intervene to protect their supporters from detention and prosecution.

The Government does not sentence persons to imprisonment for essentially political beliefs or acts. As noted, however, militias frequently arrest and imprison members of opposing political and military groups.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government generally has evinced no interest in controlling personal life. The law requires the Government to obtain the equivalent of a warrant before entering homes, except when the Lebanese Army is pursuing an armed attacker.

Rights of privacy, however, have been violated frequently in the course of military operations mounted by the army, militias, and foreign forces in Lebanon. All of these groups have attempted to gather intelligence on their adversaries; these efforts have included informer networks and telephone monitoring.

In 1986 armed groups in many sections of the country violated the sanctity of the home by deliberately shelling residential areas, destroying houses, and killing and wounding their occupants. During periodic operations in South Lebanon, Israeli forces demolished the houses of persons suspected of anti-Israeli activities. Throughout 1986, shelling of nonmilitary targets occurred in the greater Beirut area, almost always in densely populated residential neighborhoods.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Lebanon has a strong heritage of freedom of opinion, speech, and press. The Government has traditionally protected the rights of those who have opposed government policies through peaceful means.

Dozens of newspapers and magazines representing a broad spectrum of opinion are freely published, and the Government has tolerated the activities of extralegal radio and television stations operated by widely diverse political groups.

Intimidation of journalists by militias and terrorists constituted the most serious threat to press freedom. In 1986 several foreign journalists were abducted. Few other foreign journalists remain in the country. Christian militias have prevented the regular distribution in East Beirut of several leftist and Islamic publications.

The continued breakdown in security in 1986 greatly disrupted schools and universities to the detriment of academic freedom. Terrorists and militiamen, who continued to intimidate university faculty and administrators, represented a serious threat to Lebanon's long tradition of academic freedom.

LEBANON

b. Freedom of Peaceful Assembly and Association

The Government places no restrictions on the right of free assembly, as long as it does not incite popular unrest. Many groups in Lebanon excercised their right to engage in peaceful public demonstrations during the year.

The major constraint came from the militias and foreign forces. In areas under the exclusive control of one militia, demonstrations or open shows of support for rival militias or political groups were not permitted.

Political groups, such as those which opposed the Israeli occupation, are not permitted to operate freely in areas still under the control of the Israeli-backed militia. The Syrians do not, in general, allow groups hostile to them to remain in areas they occupy.

Lebanon has traditionally enjoyed democratic labor and management institutions. Collective bargaining and the right to strike continue to exist (widespread strikes protesting the deteriorating economy took place peacefully on July 3 and December 2), despite 11 years of war. But with unemployment reaching 30 to 50 percent in certain sections of the country, traditional labor practices have become increasingly irrelevant. There are no current statistics on union membership. Employees remain highly organized in the banking industry, which is one of the few sectors of the Lebanese economy which continues to function at near former levels. Lebanon's major labor union negotiates wage increases with the Government to offset inflation whenever economic pressures dictate.

c. Freedom of Religion

The Government affirms the right of freedom of worship, and Lebanese practice their various religions with a great degree of liberty.

The 1943 National Pact essentially allocated political power on a confessional basis, according to the proportion of various religious groups in Lebanon as determined by the 1932 census. The unwritten National Pact stipulated that the President would be a Maronite Christian, the Prime Minister a Sunni Muslim, and the Speaker of Parliament a Shi'ite Muslim. Seats in the Parliament were divided on a six-to-five ratio of Christians to Muslims. Positions in the government bureaucracy were allocated on a similar basis. Some religious groups thus enjoy greater institutionalized political power than others, and it has been frequently charged that politically powerful groups influenced government policies to the economic benefit of their coreligionists. Efforts to alter or abolish the confessional system of allocating political power have been at the center of Lebanese politics for more than 3 decades. Those religious groups most favored by the 1943 formula have sought to preserve it, while others who feel disadvantaged by it have sought to revise it on the basis of new demographic realities or to abolish it entirely. This struggle has given a strongly religious coloration to Lebanese politics and to the continuing civil strife there.

The intensification of religious hatreds has led away from confessional mixing and towards confessional segregation. Today Lebanese live more and more in neighborhoods and villages inhabited exclusively by one religious community.

Many fear to travel to areas where other sects predominate. Few Muslims live, for example, in East Beirut. Christians continued to leave mainly Muslim West Beirut during 1986, complaining of increasing efforts to enforce Islamic mores and of a severe deterioration in public security (despite the introduction of a Syrian security force). Virtually no Jews remain in their traditional neighborhood in West Beirut.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government does not restrict foreign travel by Lebanese citizens. Emigration and dual citizenship are permitted.

There is no impediment to voluntary repatriation by Lebanese with valid identity papers.

Lebanon historically has been a land of asylum. During this century, it has given refuge to hundreds of thousands of Armenians and Palestinians as well as to smaller numbers from other Middle Eastern ethnic and religious groups. Lebanon's political and economic troubles in recent years have greatly diminished its appeal to refugees. Relatively few sought asylum there in 1986.

Lebanon's relationship with the Palestinian community has been difficult. Most Palestinians, like other foreigners, have not been able to obtain Lebanese citizenship. Their status as a "state within a state" under the 1969 Cairo accords and their involvement in internal fighting from 1975 until 1982 resulted in the bitter enmity of many other groups. In the wake of the 1982 conflict, many Palestinians encountered difficulty in renewing residence permits and travel documents, and delays still continue. In 1986 Palestinian combatants continued to return to Lebanon, and there were serious battles between them and Shi'ite Lebanese fighters.

Lebanese traditionally enjoyed freedom of internal travel, but this freedom has been greatly circumscribed by militia groups which have established checkpoints to keep those deemed undesirable out of areas under their control. The so-called Green Line bisecting East and West Beirut remained closed for lengthy periods, effectively dividing the city and paralyzing many aspects of daily life in Beirut. Crossing the Green Line even when it was officially open remained extremely risky.

The Israeli-sponsored Army of South Lebanon maintained tight restrictions on the movement of people and goods into and out of areas which they occupied.

Because of the closure of the Green Line, fighting and kidnapings along the road to Beirut International Airport, and chaotic security conditions at the airport itself, many Lebanese encountered serious difficulties in traveling abroad. Travelers unable or unwilling to risk using Beirut International Airport, which is located in West Beirut, had the option of traveling overland to Damascus or using the ferry to Cyprus.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Formally, Lebanon is a parliamentary democracy. According to its Constitution, direct elections must be held for its 99-member Parliament every 4 years. Parliament, in turn,

elects a president every 6 years, and the President appoints a cabinet which must obtain the confidence of Parliament. Political parties may be formed. Women enjoy the same civil rights as men.

More than a decade of political turmoil, growing militias, and foreign occupation has robbed these democratic institutions of much of their substance. No parliamentary elections have been held since 1972. Although Parliament, the Presidency, and the Cabinet continue to exist, their effective authority does not extend to most of the country, which is under foreign occupation or militia control.

In the past decade, violence has dominated the political process as militia groups and foreign forces have resorted to force to gain their way. Leaders of the major factions met in Lausanne, Switzerland in March 1984 and agreed on a program for national conciliation. These leaders later formed a National Unity Government, whose efforts to implement the national conciliation program have so far not succeeded. In September 1986, the Cabinet, which had not met since March 1985, briefly resumed meeting as a "Committee of Dialogue." The dialogue broke down after approximately 6 weeks and the Cabinet subsequently has not met.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has a mixed record in dealing with international human rights groups, and indigenous groups have not pressed the Government strongly on human rights issues.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Women enjoy equality of civil rights and attend institutions of higher learning in large numbers. Religion, social tradition, and the prevailing atmosphere of insecurity and economic hardship make it difficult, however, for women to expand their participation in Lebanon's social, political, and economic institutions. The women's organizations that do exist are, for the most part, subordinate arms of political parties which work to advance the interest of the parent party rather than that of women in general.

CONDITIONS OF LABOR

Lebanon has comprehensive labor laws covering a range of issues involving workers' rights, including minimum wages, safe working conditions, length of the workweek, child labor, and annual holidays. However, given the civil strife engulfing the country, it is not known whether these statutes continue to be enforced.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: LEBANON

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	28.4	20.4	16.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	28.4	20.4	16.0
A.AID	28.1	19.9	16.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	28.1	19.9	16.0
(SEC.SUPP.ASSIST.)...	27.8	18.8	15.0
B.FOOD FOR PEACE.....	0.3	0.5	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.3	0.5	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.3	0.5	0.0
E.RELIEF.EC.DEV & WFP.	0.3	0.5	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	15.6	0.7	0.5
LOANS.....	15.0	0.0	0.0
GRANTS.....	0.6	0.7	0.5
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	15.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.6	0.7	0.5
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	44.0	21.1	16.5
LOANS.....	15.0	0.0	0.0
GRANTS.....	29.0	21.1	16.5
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	6.5	0.0	0.0	259.9
IBRD	0.0	0.0	0.0	166.6
IFC	0.0	0.0	0.0	9.3
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	1.5	0.0	0.0	36.0
OTHER-UN	0.0	0.0	0.0	8.0
EEC	5.0	0.0	0.0	40.0

LIBYA*

The disregard of human rights traditionally displayed by the Libyan regime of Colonel Qadhafi became even more apparent in 1986 with the evidence of Libyan support for, or direction of, attacks or attempted attacks on civilian targets in Austria, Italy, the Federal Republic of Germany, France, Sudan, Tunisia, North Yemen, United Kingdom, Togo, Lebanon, Turkey, Cyprus, and Chad. As a result of these terrorist activities, all members of the European Community and the Tokyo Economic Summit declared that they could not have normal relations with the Libyan regime and would take measures to isolate it until it altered its behavior.

The Socialist People's Libyan Arab Jamahiriya describes its form of government as "popular democracy." In theory political power is vested in "the masses" with the guidance of the People's Congress and its executive arms, the People's Committees; in practice the country is dominated by an erratic military dictator, Colonel Mu'ammar Al-Qadhafi. He is aided by extragovernmental "Revolutionary Committees" which operate at his behest.

The governing principles of the society are expressed in Qadhafi's "Green Book" rather than in the Constitution. Qadhafi has created a political system borrowing from pan-Islamic and pan-Arab sources and purporting to establish a "third way" superior to both capitalism and communism. His philosophy on human rights is summed up in his statement that "it is an honor to jail or liquidate the enemies of the authorities." Indeed, he has instigated the assassination of his enemies abroad, and he controls enemies at home in a variety of summary and judicial proceedings which are employed wherever popular resistance exists. While ethnic minorities are allegedly allowed full exercise of their human rights, in practice such groups as the Berber population are tightly and systematically controlled.

Libya's security apparatus operates at multiple levels, involving not only Qadhafi's personal bodyguards and the official police and security establishment, but also the Revolutionary Committees and People's Committees which act independently of other authorities, sometimes encouraged directly by Qadhafi. The result is a complex of multilayered, tight controls over individual activities and freedoms. Conservative religious and social attitudes further restrict the freedoms and rights of such groups as women and professionals. Qadhafi has sought to provide greater equality for women in education and employment but has faced serious resistance from his conservative countrymen.

Qadhafi has diverted substantial sums, generated from Libya's rich petroleum resources, to the acquisition of large quantities of weapons and to foreign military adventures, e.g., intervention in Uganda and two invasions leading to the current occupation of northern Chad. Further, the recent decline in oil revenues has forced retrenchment; significant parts of Libya's 1981-85 development plan have been dropped; foreign exchange controls have been tightened; and imports have been restricted. Qadhafi's move to expel some 70,000 foreign workers in 1985 hit directly at key public services,

*Since the U.S. has no official observers present in Libya and since Libya's media is totally controlled, this report draws heavily on unofficial sources.

LIBYA*

and he requested the population to return to the days of self-sufficiency and even of nomadic existence. Libya has used its oil income to finance internal development (new schools, hospitals, roads) but much has been wasted.

Legal freedoms and rights are generally lacking inside Libya except for minimal guarantees for minorities and women. There is no right of peaceful association and assembly, no freedom of speech, no right to express opposition to the Government in any form, to form trade unions, or to strike. There are no legal or judicial rights such as the right to be considered innocent until proven guilty, the right to a public or speedy trial, to be secure in one's home or person, or even to hold property.

Libya's human rights record worsened in 1986. There were continued reports of torture and abuse. Although Qadhafi has urged a reduction in the number of offenses subject to capital punishment, he made it clear that such sentences would continue to apply to political acts against the regime, and he also reiterated his call for the searching out and "physical liquidation" of the regime's "enemies abroad." In statements made in the autumn of 1986, Revolutionary Committees urged, and carried out in some cases, the total expropriation and burning of the homes of "enemies of the revolution."

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

It is not known how many political killings were carried out in 1986.

In 1984 the Government directed resumption of assassinations of Libyan exiles and announced the formation of "suicide squads" to hunt down and kill Libyan dissidents abroad. In 1985 Qadhafi stated that the death penalty was still appropriate for individuals who refused to return and "repent"; he reiterated his call that "stray dogs" be searched out and killed. In addressing a school group in April 1986, Qadhafi reportedly asked students to "slaughter" members of the Muslim Brotherhood and the Islamic Liberation Party.

b. Disappearance

It is not known how many persons disappeared in 1986. Sixteen persons tried in 1980 on charges of forming a political organization have disappeared but are believed to be still under detention. In April 1985, Libyan authorities replied to appeals from Amnesty International about these prisoners, stating that the names mentioned "were unknown to the authority concerned." However, one of these prisoners, Redwan Bu Shwesha, a short story writer, was subsequently released.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

In its 1986 Report, Amnesty International reported that in June 1985 two students, Abd al-Wahid al Zanqi and Rafiq al-Bishti, allegedly died under torture while in the custody of members of the Revolutionary Committees. Detainees in criminal and security cases reportedly are regularly beaten

during interrogation. In some prisons, conditions reportedly are tolerable, but the conditions of detention for political prisoners have reportedly worsened, including transfer to overcrowded cells and confiscation of reading and writing materials.

While Shari'a (Islamic) law is practiced in Libya, physical mutilation is not used as a form of punishment. Amnesty International has expressed concern about the large number of offenses, including political offenses, which are punishable by death under Libyan law. For example, membership in an illegal organization is a capital offense. Qadhafi explicitly reaffirmed application of the death penalty in 1986.

d. Arbitrary Arrest, Detention, or Exile

Elements of the Revolutionary Committees and the Peoples Committees continue to carry out arrest and detention of suspected opponents of the Government, with the encouragement of Qadhafi. Under Libyan law, detainees may be held incommunicado for unlimited periods. Many allegedly are held without charge or trial, apparently as an example to would-be opponents of the regime. In security cases in particular, there are many reports of prisoners being held without trial for long periods. While undergoing interrogation, sometimes for periods of several months, they are given no access to legal representation.

Libya declared several years ago that there were then "no political detainees on any charge in its prisons." Reports from a variety of sources, however, assert that the prisons contain increased numbers of persons convicted of, or held for, political offenses, including large numbers of persons arrested in 1984. Qadhafi has justified imprisonment on political charges. Although he has claimed to be opposed to arrests in secrecy, there is no evidence that his exhortation has resulted in any improvement in practice. Foreigners are not immune from arbitary arrest; clerics from Italy, Malta, the Philippines, and Poland, who had been arrested by Libyan authorities, were reportedly released in late April in an apparent effort to stem an exodus of security-conscious Westerners.

Exile is not a form of punishment practiced in Libya; to the contrary, Qadhafi seeks to pressure Libyans working or studying abroad to return to Libya. Libya does, however, engage in the arbitrary expulsion of noncitizens. The International Labor Organization has sent a team to Libya to investigate such actions, and a report is pending. In general, forced labor is not practiced, but paid labor is mobilized for major projects under conditions similar to conscription.

e. Denial of Fair Public Trial

Civilians may be tried in the regular courts, in less formal "people's courts," or by military or revolutionary courts, depending on the arbitrary decision of the security forces. Security forces have the power to consider persons guilty without trial, particularly "traitors to the people." Trials are also held in private or in the absence of the accused. The traditional courts have also been bypassed to a significant extent by people's courts and revolutionary courts which sometimes conduct "show trials" on television, followed by public executions. These various trial systems provide few

safeguards. Freedom House notes, however, that some acquittals have occurred in political cases.

A 1981 law prohibits the private practice of law and makes all attorneys employees of the Secretariat of Justice. The Union of Arab Lawyers, located in France, has expressed concern for the ability and freedom of attorneys simultaneously to provide legal defense for political prisoners and to serve as government employees. Libya claims that it "guarantees prisoners all necessary means of defense and safeguards of justice adequate to the principles contained in the Declaration of Human Rights" and provides for legal assistance "as soon as possible with respect to the exigencies of interrogation," but there are numerous reports that these rights are frequently denied.

Alleged political offenses are increasingly tried before ad hoc "revolutionary courts" rather than under the normal judicial procedure, with the opportunities for defense severely restricted. Moreover, a number of these "trials" have been held in secret. There is no precise estimate of the number of political prisoners in Libya.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government does not recognize the right to privacy. The legal requirement that judicial warrants must be obtained before entering a private home is reportedly often disregarded. Local and international phone calls are routinely monitored. The informer network is very extensive, encouraged by both security agencies and revolutionary committees. Individual privacy is disregarded. Libyan exiles claim that mere family ties to suspected regime opponents can result in harassment or even persecution by the authorities. Property can be seized and burned if it belongs to "enemies of the people" or those who cooperate with foreign powers.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although some difference of opinion is tolerated in People's Committee meetings and at the General People's Congress, in general freedom of speech is severely limited, particularly with regard to any criticism of Qadhafi or his regime. Freedom of speech and other basic civil and political freedoms are further restricted during periods of internal security crises. Libyan media are owned and controlled by the State. There is only one daily newspaper, which has a circulation of only 40,000. JANA, the official news agency, is the designated conduit for politically acceptable opinions. It is impossible to publish opinions contrary to government policy. Foreign publications, if not banned outright, are severely censored. There is an underlying climate of fear and mistrust at all levels of society which further restricts freedom of speech. Book-burning has reappeared in the wake of Qadhafi's decree that English can no longer be taught.

b. Freedom of Peaceful Assembly and Association

The right of association is granted only to those institutions affiliated with the regime. Public assembly is repressed unless it is government controlled and supportive of regime positions. Organizations such as independent trade unions and

professional associations are viewed as threats by Qadhafi, who has vowed not to "accept intermediaries between the revolution and its working forces."

Unions are organized under government control and are administered through the popular committee system. There is no collective bargaining; there have been no reports of strikes (except by students) for years and presumably strikes are not permitted. An exiled opposition group in June 1983 appealed to the International Labor Organization to investigate "the oppressive record of the Qadhafi regime with regard to its treatment of workers and laborers and employees in Libya, with particular emphasis on violations of human rights agreements and conventions governing labor and labor unions." This group also charged that Libya has forced foreign workers and employees into military training with the intention of coercing them into military and subversive activities against their own countries.

c. Freedom of Religion

Libya is overwhelmingly Muslim. Some minority religions (e.g. Christians) still are allowed to conduct services, but Islamic groups differing from the state-sanctioned one are banned. In September the closure of all Koranic schools allegedly was ordered to reduce the influence of the mosques and to integrate all children into the public system. In October the regime arrested as a threat to state security members of an "enemies of God" or "godless" clique. In an apparent effort to eliminate any alternative power bases, the regime has banned the once-powerful Sanusiyya Islamic religious following. Restrictions were placed on the operation of the organization's Zawaayaa (lodges), a government supervisor was appointed for Sanusi properties, and the Sanusi-sponsored Islamic University was merged with the University of Libya.

Services are permitted in Christian churches, which are attended exclusively by the foreign community. There is a resident Catholic bishop and a small number of priests. Nuns reportedly are permitted to wear their habits.

Nearly all of the formerly sizable Jewish community has emigrated, and no information is available on the status of any Jews who may remain. Qadhafi has stated that he is opposed to Zionism, not Judaism, and that Arab nations should welcome Arab Jews who wish to return to their countries of origin. But in a speech in June 1985 he cited the Prophet Muhammad as stating that Judaism and Islam cannot coexist in the land of the Arabs, and in September 1985 anti-Jewish broadcasts on Libyan radio called virulently for anti-Jewish violence in areas of Tunisia and Morocco within broadcast range.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

With the exception of security areas, internal freedom of movement is monitored but not usually restricted for Libyan citizens. An exit permit is required for travel abroad, and currency controls are imposed to restrict travel. During most of 1986, it was extremely difficult for Libyans to travel abroad because of the unavailability of exit permits or of permission to obtain foreign exchange. Military conscription regulations deny the issuance of exit permits to potential inductees. Under Libyan Islamic law, wives may not leave the country without their husbands' permission; children may not

travel without their fathers' consent. The right of return of Libyan nationals is fully protected and theoretically extends to include opponents of Qadhafi, so long as they are prepared to "repent." However, this "right" often appears to be more of an obligation or threat, with calls for students, often under government subsidy, and others working abroad to return on little or no notice and without regard to the impact on their studies or work.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Major government decisions are controlled by Qadhafi or by committees acting in his name. He makes appointments of military officers and official functionaries down to a junior level. Power flows through a small circle of trusted associates, whose own authority is a reflection of their proximity to Qadhafi. Corruption in administration has assumed major proportions, with adverse effects on government.

Participation in elections is mandatory, and the candidates are cleared by the Revolutionary Committees from among persons who are not "merchants, contractors, tribal advocates, election-brokers, officials of the former (pre-1969) government or people who have been attacked by the power of the revolution." Political parties and tribal or local groupings are prohibited, and involvement in such activities remains punishable by death. Aside from these constraints, Freedom House notes that local elections are relatively fair.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Amnesty International (AI) noted in its 1986 Report that it has registered repeated protests, calls for investigations, and appeals for the respect of human rights with the Libyan authorities. Responses were received in only two cases, and no visits by human rights groups were reported. In March 1985, AI sought urgent clarification of reports that a number of detainees, including two prisoners of conscience originally sentenced to life imprisonment and four political prisoners allegedly detained without trial, were to be executed. The Foreign Liaison Office replied, expressing "deep regret" that AI had "fallen victim to a misleading campaign," stating that the reports were untrue, but failing to provide any more details upon Amnesty International's further inquiry.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There are frequent allegations of discrimination based on tribal status, with particular discrimination alleged against Berbers in the interior and Tuaregs in the south. In recent speeches, Qadhafi has complained about the continued power of tribal and other antisocial groups. In past years, he sought unsuccessfully to assure that Berbers married only non-Berbers, presumably to diminish their tribal identity.

The traditional, conservative cultural attitudes of Libya's Islamic society serve to restrict the rights of certain groups, most notably women. Within the confines of Islamic beliefs, Qadhafi has taken a leadership role in efforts to change the status of women and expand their access to educational and employment opportunities. Women currently receive basic

military training and are subject to a draft. However, they are imprisoned for adultery. The husband's permission is necessary for women or children to travel abroad, and female circumcision is still practiced in remote areas of the south.

Discrimination on the basis of religion also exists. The State is opposed to Islamic fundamentalism.

CONDITIONS OF LABOR

Libya maintains a work force of around 1 million workers in a population of 3.7 million. As many as 300,000 of these are foreign workers whose permission to stay in Libya extends only for the duration of the contracts under which they are employed. Although much of the economy is dependent upon expatriate skills, many foreign workers have been terminated in recent years, resulting in a significant decline in the quality of life and availability of services in Libya. No information is available on Libyan regulations governing workers' rights. In general, there is no evidence that child labor is a problem in Libya.

Foreign workers are subject to arbitrary pressures such as changes in work rules and contracts with little option but to accept or to depart the country, often without full compensation for work already performed. The Government places significant restrictions (currently 50 percent) on the amount of earnings that may be repatriated. Foreign worker contracts typically are made in the country of origin and the pay reflects wage levels in home countries more than the cost of living in Libya. Large-scale expulsions of foreign workers in 1985 and a continuing exodus in 1986 in effect shifted much of the burden of the economic downturn to the foreign workers.

MALDIVES

The Republic of Maldives is a parliamentary democracy headed by a strong president. It is best described as an "emerging democracy." There are no political parties, and candidates for the unicameral legislature, the Majlis, run for office as individuals. The Majlis selects a single nominee for president, who is subsequently approved or rejected by the voters. All citizens over age 21 may vote. In practice, government control in this small, homogeneous society is exercised by a small elite with a common background and outlook, whose authority is generally and traditionally accepted by the population.

The Maldives is a nation of 1,200 islands in 19 atolls scattered across an area 500 miles long by 75 miles wide in the Indian Ocean. The isolation of individual island communities from each other, and of the Republic as a whole from the rest of the world, is a dominant feature of social and economic life. It is one of the world's least developed countries, with nearly half the population engaged in traditional activities such as fishing, harvesting and processing of coconuts, and small-scale farming.

The Maldives has not been subject to attack or invasion from outside for hundreds of years, and thus sees no need for a large defense establishment. The country's national security service of around 1,000 men is responsible for maintaining internal law and order, protecting the President, defending the country, and preventing foreign fishermen from encroaching on Maldivian fishing grounds. The police division of the service investigates crimes, makes arrests, and enforces house arrest.

There was little change in the human rights situation during 1986. Virtually universal adherence to Islam, the innate conservatism of a traditional society, and the high degree of homogeneity of the Maldivian people all underlie the relative absence of pressures for social and political change. The authority of the ruling elite is widely accepted and open dissent is rare.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killings.

b. Disappearance

There were no reports of disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution stipulates that "under no condition shall a torture considered to be injurious be inflicted upon any person."

Maldivians follow Shari'a or Islamic law, and occasionally convicted criminals are flogged. Usually, however, punishment is confined to less physical means such as fines, payment of compensation, house arrest, imprisonment, or banishment to a

sparsely populated island where the prisoner must work to earn his daily keep.

d. Arbitrary Arrest, Detention, or Exile

The Constitution requires that "no person shall be apprehended or arrested, except on a verdict specified by Shari'a or (civil) law." There is no provision under Maldivian law for preventive detention, and incommunicado detention is not usually practiced. However, 40 youths reportedly seized during 1986 in connection with possible narcotics offenses were alleged to have been held incommunicado. There were also reports that a few persons were subjected to arbitrary arrest during 1986.

Normal practice calls for the Attorney General's office, acting on information or complaints which it has received, to pass the case to the appropriate court. The judge then instructs the police to undertake an investigation. The suspect is questioned at police headquarters and may, depending upon the charges, be detained or placed under house arrest for 15 days while the case is investigated. If the case is not brought to trial within 15 days, the suspect is freed. Detention or house arrest may be extended after the first 15 days by authority of the President, but usually for not more than 1 month. While there are no provisions for bail, an accused person held without bail who has valid reason to travel may receive permission to do so from the court handling his case.

Actions which "arouse the people against the Government" are illegal and persons can be arrested and charged with violation of this law, the penalty for which can be banishment to remote atolls of the Maldives.

Forced labor does not exist, except in the sense that persons banished to remote islands must work to earn their keep.

e. Denial of Fair Public Trial

There is a High Court and eight lesser courts in the capital at Male, each dealing with specific types of cases (e.g., debt, theft, property claims). On other islands there are courts that deal with all types of cases. Judges are trained in Islamic law, are appointed by the President and serve at his pleasure, and thus cannot be considered fully independent. Cases in island courts that present knotty legal points are referred to the appropriate specialized court at Male, whose judge may in turn refer the legal point to four judges attached to the Justice Ministry for assistance. The High Court acts as a court of appeal and handles political cases, such as the trials of the participants in an attempted coup d'etat in 1980 and four Majlis members found guilty of bribery in 1983.

During trial, the accused may defend himself and call witnesses. He also may be assisted by a lawyer, but there are few lawyers and lawyers are not provided by the courts. The accused is sentenced by the judge; the length and type of sentence are established by law and custom.

There is currently only one Maldivian serving a sentence of banishment for a crime which can be considered a political act. He is the only one who has not been pardoned among the several politicians convicted either of participation in the

1980 coup attempt or of unconstitutional activities and taking bribes.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits the opening, intercepting, reading, or making public of letters, telephone conversations, telegrams, and wireless messages exchanged between persons "except in accordance with the specific provisions of the law." There were no reports of complaints in 1986 that the Government monitors correspondence or telephone conversations or uses a regular system of informers. There are no prohibitions on the importation of foreign publications, except pornography, and foreign broadcasts are not jammed. The Government does not interfere with the right to marry or seek forcibly to resettle population.

The Constitution also requires that private premises and dwellings be respected and states that "they shall not be entered into except under conditions and in a manner stipulated in the law." There have been no reports of practices to the contrary.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and expression "so long as the specific provisions of Shari'a and the law are not contravened." Any citizen may criticize or complain to the Government without fear if he does so through recognized channels, such as by letters or oral complaints to the President, to a Majlis member, or to a civil servant or other person in authority.

Maldivians are frequently frank in private when discussing and criticizing the Government. However, the law which prohibits arousing opposition to the legally established government, together with a long tradition of authoritarian rule, tends to make Maldivians careful when expressing their opinions to foreigners or in the media. There is no prior censorship of newspapers, but writers and editors are subject to prosecution if their articles contravene the law. In 1986 no writers or editors were prosecuted for writing antigovernment articles.

There are three privately owned newspapers, each required to register with the Government. The only government-owned publication is the news bulletin, published by the Maldivian Department of Information and Broadcasting.

b. Freedom of Peaceful Assembly and Association

The Constitution assures freedom of assembly and association, but Maldivians make little use of these freedoms in a political sense. The majority of rallies and meetings are sponsored or approved by the Government and commonly are addressed by officials or religious leaders. Clubs and other private associations, of which there are many, are permitted to function if they do not contravene Shari'a and civil law, and if they register with the Government.

There are no trade unions in the Maldives, and workers rights to organize, bargain collectively, and strike are not recognized or protected by law.

MALDIVES

c. Freedom of Religion

The Constitution makes Islam the official religion and all citizens are Muslims. There are no churches or shrines for the practice of any other religion. Missionaries of non-Muslim faiths are not permitted to proselytize. Conversion of a Muslim to any other faith would be a violation of the Shari'a, the law of the land, and would automatically result in the loss of Maldivian citizenship.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Maldivians are free to move about the country unless they are under house arrest or detention or banished. However, the Government discourages Maldivians from changing islands of residence, primarily because most recent migrants have moved to Male, which is becoming severely overcrowded. The Government reimposed regulations in 1982 that limit immigration to the capital island and its surrounding atoll, permitting migration to Male only for short periods in order to work, be educated, or receive medical treatment. At the same time, the Government has made a major effort to improve social and educational services and develop industry outside of Male.

Maldivians are free to change jobs. There are no restrictions on foreign travel or on emigration, and there are no exit visas. The Government requires any Maldivian who has acquired another nationality to maintain Maldivian nationality concurrently. Such a person must enter and leave the Maldives on a Maldivian passport. As far as is known, the Government never has revoked the citizenship of any Maldivian. There are no refugees or displaced persons and no reports of Maldivians having been exiled or being refugees or displaced persons elsewhere.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

President Maumoon Abdul Gayoom rules the Maldives together with a small group of generally well-educated members of the elite who are loyal to him. There are no political parties, although they are not forbidden by law. President Gayoom has, however, publicly discouraged their formation as being inappropriate to the homogeneous nature of Maldivian society.

Members of the unicameral legislature, the Majlis, are chosen for 5-year terms by means of secret ballots cast by all Maldivians over 21 years of age. Candidates for the Majlis must be over 25 years of age, Muslim, able to read and write both Arabic and Maldivian script, in good mental and physical condition, and must not have been involved in a crime for the past 5 years. Of 48 members, 40 are elected (2 from each atoll and 2 from Male), and 8 are appointed by the President. There were 162 candidates for the 40 seats contested in the December 1984 elections. Majlis representatives are freely approached by citizens or groups with grievances or points of view on proposed legislation.

Candidates for president must be Sunni Muslim, born of Maldivian parents, male, over 30 years old, mentally stable, and must not have been convicted of any crimes. A single nominee for president is chosen by secret ballot in the Majlis from as many candidates as are proposed by the members. The

nomination then is confirmed or rejected in a nationwide referendum, also by secret ballot. In 1983 the Majlis voted 47 to 1 to nominate Gayoom to a second, 5-year term. Maldivians confirmed Gayoom with 95.62 percent of their votes. At the time of his nomination and the referendum, President Gayoom had no serious challenger for the position. Some irregularities apparently occurred during the referendum, especially on outer atolls where island chiefs cast the ballots of all eligible voters on their islands. Nevertheless, Gayoom's leadership is believed to be widely accepted by the electorate.

Since there are no political parties, factions in the Majlis tend to coalesce around individuals or points of view and vary according to the issue. Any member may introduce legislation, which, if seconded, must be considered by the Majlis. All laws must be approved by the Majlis. The Majlis has the power to question ministers and to call for their removal. In practice, however, the Majlis generally supports the Government, after carefully discussing and sometimes amending its proposals.

Section 4 Governmental Attitude regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no requests for outside investigations of human rights violations in 1986. There are no local human rights organizations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

About one fourth of the Maldives' population of 181,000 lives on Male, the capital island. Despite the Government's efforts to develop medical facilities, and educational and economic opportunities in the more distant atolls, residents of the capital island have a higher living standard and more opportunities than others. Concerned about overcrowding in Male, the Government has restricted migration to the capital from other atolls, which results indirectly in discrimination against residents of the more distant islands in terms of their access to a better life.

Women enjoy an equal status with men under Maldivian law, and patterns of behavior are not notably restrictive.

By Islamic and Maldivian tradition, women play a lesser role than men in public life. No women were elected members of the Majlis in 1980; President Gayoom appointed one. There are three women in the citizens' special Majlis that is reviewing the Constitution. Women hold 15 responsible positions in the civil service. The President has appointed 2 women as aides, another to be his Director of Social Affairs, and 2 women to his 12-member Consultative Committee. In 1982, the President appointed a National Women's Committee which is seeking ways to increase participation by women in the country's life.

CONDITIONS OF LABOR

There are very few labor standards set by the Government. Only government workers are entitled by presidential directive to a paid annual holiday and free health care in the event of work-related illness. There is no minimum age for the employment of young people. The Government has set no

restrictions on conditions under which children or young people may be employed, although most employers do not hire young people for work at night or in what are considered hazardous conditions. There is no national minimum wage, although the Government has established wage floors for certain kinds of work. There is no restriction on the number of hours per week an employee can be required to work, and there is no requirement that private sector employees receive annual paid holidays.

Until the 1970's, most Maldivians either were self-employed or held government jobs and there was a relative lack of interest in workers' rights or organization. However, during the past 5 years 3 sizable garment manufacturing facilities opened, employing large numbers of workers. There were no special provisions regarding workers' rights or treatment in the agreements to establish these companies between the Government and the foreign investors. However, a Department of Labour was formed in 1982 and it has been studying the labor situation in the Maldives and in other countries with a view to developing appropriate labor regulations for the Maldives.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MALDIVE ISLANDS

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	0.0	1.5	0.0
LOANS.....	0.0	1.5	0.0
GRANTS.....	0.0	0.0	0.0
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	1.5	0.0
LOANS.....	0.0	1.5	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	1.5	0.0
REPAY. IN $-LOANS.....	0.0	1.5	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & MFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.0	1.5	0.0
LOANS.....	0.0	1.5	0.0
GRANTS.....	0.0	0.0	0.0
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	2.3	0.1	0.0	14.2
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	0.0	0.0	0.0	8.2
IDB	0.0	0.0	0.0	0.0
ADB	2.3	0.0	0.0	2.3
AFDB	0.0	0.0	0.0	0.0
UNDP	0.0	0.1	0.0	3.5
OTHER-UN	0.0	0.0	0.0	0.2
EEC	0.0	0.0	0.0	0.0

MOROCCO*

Morocco is governed by a monarchy which has expressed its determination to develop and strengthen parliamentary, judicial, and governmental institutions. The King retains wide-ranging authority both as temporal Head of State and as spiritual leader of the country's Muslim community, which comprises virtually the entire Moroccan population. The King can intervene in any question and set policy if he so desires. Policy on most questions, however, is formulated by the Government, consistent with palace guidelines, and in many cases requires the formal approval of Parliament.

The Moroccan political system is relatively open and active. The institution of Parliament and the periodic turnover of legislative power through elections are major strengths of the political system. Eight political parties are represented in Parliament, which was elected in September 1984. Within the parameters of public discussion established by the Constitution and the King, the Moroccan press offers a range of viewpoints on foreign policy, the economy, and social issues.

The security apparatus is composed of several overlapping police and paramilitary organizations, operating within a framework of legal provisions designed to protect public order. All of the organizations are under the King's ultimate control, though many are administered on a day-to-day basis by the Interior Minister. In recent years, especially after the riots of 1981-82 and 1984, Interior and Surete Nationale officials have been reassigned to administrative posts outside the Ministry of Interior, for example to the Ministry of Religious Affairs.

Private investment and private property play a large role in the economy, although a number of key industries are in government hands. Morocco is a predominantly rural country, with over 50 percent of the population resident outside urban areas. The Government continues to place high priority on job creation and continued development of the agricultural sector. However, the country's tight financial situation and pressures from its international creditors have forced cuts in many development plans.

In 1986 there were no major outbreaks of political unrest such as occurred in January 1984. Two major political trials were held during the year. In January the courts convicted 15 leftists of belonging to an illegal organization, disturbing public order, and distributing illegal tracts. Seven were sentenced to 4-year terms, the others to 3-year terms. In February 27 leftists were tried on a charge of undermining national unity on the Sahara conflict; all were found guilty and received sentences of 5-10 years.

There are continuing questions about harsh police methods, the integrity of the legal process in political cases, and the legal status and physical condition of political prisoners in Moroccan jails. Although the Government asserts that all prisoners in Moroccan prisons are common prisoners, certain prisoners in categories considered to be "political" continue to receive separate treatment. While some receive more favorable treatment, there have been, as in previous years,

*A separate section on the Western Saharan is appended to this report.

reports of cruel treatment and torture of some political detainees. There were numerous hunger strikes during the year, and families of prisoners convicted in the January 1984 riots circulated a petition in opposition circles calling for specific reforms.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

In 1986 there were no known instances of political killing. None of the death sentences for Moroccans convicted of involvement in Islamic fundamentalist activities in 1985 or 1984 were carried out.

b. Disappearance

Given the frequent Moroccan practice of holding pretrial prisoners for long periods without notification of families or attorneys, it is difficult to arrive at an exact number of those who may have permanently--rather than temporarily--disappeared. In a 1985 report, the New York-based Lawyers' Committee for Human Rights indicated that up to 500 persons may have disappeared over the last decade. Although that number cannot be verified, persons in several categories appear to have disappeared during that time. These include military prisoners accused of involvement in the 1971 and 1972 coup attempts; those arrested near the war zone in the Western Sahara; and other political activists, including a number of students.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There are frequent charges of prisoner abuse in Moroccan prisons. The local press in 1986 charged torture or maltreatment at numerous prisons throughout the country. There were also reports in the local press of increased attempts at suicide, in many cases as a response to poor prison conditions. There were also repeated hunger strikes by prisoners to protest poor prison conditions. In October prisoners protested conditions at Rabat's El Alou prison and the arrest and removal from the prison of an already convicted prisoner. The protesters, including both political and common prisoners, were tried on October 29 on a charge of disturbing the public order. There are persistent charges and reports of the systematic use of torture by security forces from both foreign groups and sources within the country. Some observers claim to have witnessed various forms of physical and psychological torture by police to extract information or to intimidate detainees, especially in the pretrial period.

In its 1986 Report, Amnesty International continued to express concern about the conditions of detention of approximately 100 military prisoners arrested following the 1971 and 1972 attempts on King Hassan's life. It said it had received reports that these individuals had been held in a secret detention center since 1973 in "filthy, windowless cells, with inadequate food and medical care," and that they were "subjected to beatings and other harsh punishments." Amnesty International indicated that it had received reports that around 20 had died because of the conditions.

MOROCCO*

d. Arbitrary Arrest, Detention, or Exile

The Constitution requires that a detainee be brought before a judge within 48 hours of detention and informed of the charges against him. The police can request a 48-hour extension of that period. This practice is, however, widely abused, and detainees are often held for up to several weeks or longer before appearing before a judge. Most persons are arrested in public view, but police sometimes refuse to identify themselves, and warrants are not always used. Arrests are frequently made only on the basis of suspicion. Moroccan law requires that a lawyer be present after the initial presentation of the detainee before the review court, but no such requirement exists for the prior period of police custody. Morocco does not have an extensive system of bail, although defendants are sometimes released on their own recognizance. Moroccan law does not have specific provision for habeas corpus or its equivalent.

Under a separate code of military justice, military personnel have been detained in past years without warrants or announcement of a trial. No such incidents were substantiated in 1986.

Most prisoners are allowed family visits once a week and on religious holidays, and family members are permitted to bring food to supplement the prison diet. However, prisoners convicted of involvement in the 1971 and 1972 coup attempts continue to be held without family visitation rights or the right to respond to mail received. A number of Moroccan detainees, including many considered informally to be "political prisoners," are allowed to receive Moroccan newspapers, have access to radio and television, and pursue studies while in prison (though there have been complaints that the latter privilege was in some cases denied during 1986).

There have been allegations that prisoners have been held incommunicado for extended periods. At the same time, family or friends have learned, usually through their own efforts, of the detainees' general location.

There were no known instances of political activists being exiled by the Government. However, some activists prefer to remain in voluntary exile, including a number of leading Islamic fundamentalists (of 57 fundamentalists tried in 1985, 25 now live abroad). In at least two instances in 1981 and 1984, leaders of the left-wing Union Nationale des Etudiants Morocains (UNEM) were arrested after returning to Morocco for a UNEM conference, but no such cases were reported in 1986.

While prisoners are regularly used on work crews, forced labor is not used as a means of political coercion or other sanction.

e. Denial of Fair Public Trial

The Moroccan judicial system is generally considered fair and, in most cases not involving challenges to royal authority or state policy, is independent of political control. Cases are brought before an initial review court, which can call for a hearing. The detainee is informed of charges and questioned by the judge to decide if they have merit. If not, or if the infraction is minor, the judge can release the detainee or impose a light sentence. If a lengthy investigation is required, the judge can release detainees on their own

recognizance. In cases involving serious crimes, courts generally move quickly to bring cases to trial. If convicted by the court of first instance, a defendant has the right to appeal. The 1985 Lawyers' Committee report and some lawyers charge that these criteria are not always met in political cases. They claim that trial transgressions in such cases include: no notification of charges, intimidation of defense lawyers, and ignoring defense arguments. However, capable and committed attorneys do accept the defense of detainees in political cases and provide an active defense.

Although most cases are handled by civilian/secular courts based in part on French legal tradition, Morocco has a parallel judicial system using Islamic law principles to deal with marriage, divorce, child custody, and inheritance for Muslim Moroccans. Although Western legal norms are not applicable in the Islamic courts, Koranic principles and the limited kinds of cases heard reduce the possibility of abuse. There were no specific charges of judicial corruption in 1986, though general allegations of growing corruption in both the judicial and criminal administrative branches continued to be heard.

Although the Government has stated that there are no political prisoners, most observers and Moroccan human rights groups estimate that there remain approximately 100 prisoners held for political activities dating as far back as the early 1970's and sentenced to long terms up to life imprisonment. In addition, there are approximately 125 Moroccans convicted of Islamic fundamentalist activities, although some sources insist that the number held could be as many as several hundred. Human rights groups in Europe assert that nearly 1,600 persons were tried and sentenced following the riots in January 1984. Many have been released after completing their terms, but estimates of those still in prison range in the hundreds. In early 1986, the Government released 15 to 20 long-term leftist prisoners, and in December it released four more, including Mohamed Lamine Mechbal and three other former members of the left-wing Ila Al Amam. Another long-term prisoner and leftist intellectual, Abraham Serfaty, was permitted to be married in prison in December to a French citizen. Permission for the marriage had been held up after Serfaty published an article in the spring of 1985 which graphically described Moroccan prison conditions.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

In general, the Government does not often interfere arbitrarily in the private lives of its citizens. The Constitution states that the home is inviolable and that no search or investigation may occur without a judicial warrant. This is not always observed in practice. It is widely accepted that the Government selectively monitors certain persons, including their telephones and mail. At times of heightened agitation in the past, the authorities are alleged to have searched homes and offices without warrants.

The Government does not generally interfere with the private beliefs of the individual. There is no forced membership in political organizations. The Government is sensitive to the spread of fundamentalist religious beliefs and plays an active role in administering the nation's mosques, but there are no reported instances of interference with parents' teaching of religious beliefs to their children.

MOROCCO*

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech, including freedom of the press, except for criticism of the monarchy and Islam. King Hassan has made it clear that any challenge to Morocco's claim to the Western Sahara is also off-limits as a subject for public debate. There is lively discussion of almost all other issues, including criticism of the Government, administrative officials, and political and socioeconomic problems. Several dailies actively report on selected human rights issues.

There is a broad measure of academic freedom. Strictures against scholarly investigation of the monarchy and Islam exist, but there is in fact growing research and publishing on Islam and Islamic fundamentalism.

The Arabic language daily Al Anbaa, as well as the Moroccan press agency Maghreb Arab Press, are government owned. All other newspapers and journals are privately owned, although several are subsidized by the Government and reflect official views to varying degrees. Others are controlled by political parties or private groups. In 1986 the Government occasionally intervened to delay publication of newspapers carrying material which, it was feared, would inflame public opinion. Although Moroccan newspapers have in the past been permanently or temporarily closed, no newspaper has been permanently shut down since 1983. In June, however, the director of the far-left newspaper Anoual was detained and questioned for 2 days, while in October a reporter for the Communist Party newspaper Al Bayane was detained for several hours by the police. The French- and Arabic-language dailies of the Communist Party of Progress and Socialism assert that they are regularly subjected to prior censorship.

Publication of Al Bayane also was halted for several days in October. Officials have frequently seized banned publications entering the country from abroad through the mail.

Television and radio are government owned, and the views expressed conform with the Government's. For a short period in early 1986, French and Italian television broadcasts were blocked. This was apparently a protectionist measure, i.e., an attempt to increase the audience for Moroccan television, rather than a purposeful restriction on the right to receive information. The blocking was terminated after some months, however, and King Hassan publicly reaffirmed the right to receive foreign television broadcasts.

b. Freedom of Peaceful Assembly and Association

There are constitutional guarantees of peaceful assembly and association. Private associations are permitted, after registering with the Government, and professional, business, religious, and cultural associations are active. Groups seen as threatening the political stability of the regime, such as declared radical Islamic fundamentalist organizations, are outlawed. Permits are required for public meetings, but if the requesting group is a legally registered association, permission is normally--though not always--granted. Following talks between King Hassan and Israeli Prime Minister Shimon Peres in July, the breaking of Morocco's union with Libya in August, and the well-publicized arrest of four non-Moroccan

terrorists in August, police in several cities conducted numerous, often large-scale sweeps in public places. Crowds outside mosques and other public buildings were searched and, in some cases, taken to police stations for questioning. The local press reported a limited number of student arrests in September, a traditional time for campus activism, and arrests of some labor and political organizers. The number and intensity of police sweeps appeared to drop after mid-October. Public security measures, however, remained more than usually tight.

There are three major trade union federations: the Union Marocaine du Travail (UMT); the Confederation Democratique du Travail (CDT); and the Union Generale des Travailleurs Marocains (UGTM). Each has a democratically elected leadership. The UMT is politically independent. The CDT is affiliated with the Socialist Party, and the UGTM with the nationalist Istiqlal Party. Of the total workforce of 7.5 million, about 1 million are unionized, mainly in the industrial and commercial sectors. The Moroccan federations are members of regional labor organizations and maintain informal contacts with the international trade secretariats. The UMT, CDT, and UGTM have all participated in annual conferences of the International Labor Organization (ILO).

Morocco's Constitution and laws fully recognize the right of association in labor unions and provide protection to workers. These guarantees, including the right to be represented in the settlement of disputes and the right to protection against interference, are widely observed in the modern sector of the economy but are less well observed, and sometimes totally ignored, in the informal and underground economy. The right to strike is guaranteed by Article 14 of the Constitution, but a detailed law defining this right has never been drafted. Legislation governing settlement of labor disputes was enacted in 1946, but the mandated procedures, which are lengthy and complicated as well as in conflict with later constitutional guarantees of the right to strike, are customarily ignored as each dispute is handled on an ad hoc basis by the Government. During strikes and work protests, workers are sometimes arrested and prosecuted under criminal law statutes that outlaw picketing and damage to employers' property. Criminal law dating from the eve of World War II also outlaws strikes in sectors deemed to affect national security. This law is ill-defined and has been used in recent years to stop teachers' strikes, among others.

There were a number of small-scale strikes during 1986 and a major month-long strike involving several thousand miners at the phosphate mine in Youssoufia. The latter was resolved in the owners' favor after protracted negotiations involving the provincial government. There were reports of police intimidation by the local authorities, including the arrest of a number of union activists. Moroccan trade unions complain that workers are frequently dismissed or suspended for union activity and that the legal system too rarely punishes employers for arbitrary dismissals and lockouts. The UMT has several complaints pending with the ILO on these and other alleged infractions of the ILO Conventions on Freedom of Association and Collective Bargaining. These cases are not always resolved to the unions' satisfaction, and employers sometimes do not heed ILO recommendations. Ministry of Labor inspectors investigate complaints, and employers are subject to fines--and in serious cases even imprisonment--for labor law violations.

The Constitution also guarantees the representation of workers in Parliament. There are 10 seats reserved for trade union organizations in the current 306-member Parliament. In the 1984 elections, the UMT elected 5 members, the CDT 3, and the UGTM 2.

c. Freedom of Religion

The population is over 99 percent Muslim, and Islam is the official religion. The King bears the title "Commander of the Faithful" and is the religious as well as secular leader of the Moroccan population.

The Constitution provides guarantees for freedom of worship, but proselytizing is forbidden. Conversion to another faith from Islam is not banned in the civil code but the Islamic faith and engrained popular attitudes strongly discourage it.

There are two non-Islamic religions with organized communities in Morocco: Judaism and Christianity. There are some 10,000 Jews, living mainly in Casablanca and several other major cities. The Jewish community operates schools and social institutions as well as a number of major synagogues. Publications in Hebrew are permitted, and rabbis serving the Jewish community are trained in Morocco. Moroccan Jews serve in leading positions in the business community. The President of the Administrative Chamber of the Supreme Court is Jewish, as is one parliamentary deputy. In July 1986, King Hassan met publicly with Israeli Prime Minister Shimon Peres at Ifrane, in northern Morocco. In September he met with a delegation of Jews of Moroccan origin, including a prominent Israeli political figure, reaffirming his openness not only to the Jewish community in Morocco but to those abroad as well.

There are also institutional links between the Moroccan Government and the Roman Catholic Church. In a 1983 letter to the Pope, Hassan pledged to guarantee the Catholic Church's right to conduct both religious and charitable work, and that pledge is adhered to in practice. The letter also formally recognized the work of the Catholic clergy, who come exclusively from abroad, to minister to some 100,000 foreign residents with parishes in most cities. In 1985 the Pope visited Morocco at the invitation of King Hassan, at which time he met with Morocco's Islamic leaders and delivered an address to 80,000 Muslim youths.

There were no incidents affecting the Protestant community in 1986. The Moroccan Protestant community is small, numbering less than a hundred. There are also several thousand expatriate Christians.

There were no substantiated arrests in the small Baha'i community in 1986, although there were reports of administrative harassment of community members. The Supreme Court appeal of the 1985 convictions of nine Baha'is is still pending. The nine are not in prison pending the outcome of the appeals, however.

The King and other religious leaders continue to counsel against radical religious beliefs. Interior Ministry officials monitor what is taught in the mosques and report deviations from Orthodox Islam. There were unconfirmed reports of the detention of unorthodox imams following the King's July meeting with Israeli Prime Minister Peres, as well as reports of police roundups around mosques.

MOROCCO*

d. Freedom of Movement Within the Country, Foreign Travel, Emigration and Repatriation

Freedom of movement is unrestricted throughout Morocco. As the administering authority in the Western Sahara, the Moroccan Government restricts movement in areas of the territory which are militarily contested. There were no reported cases of restrictions on foreign travel for political reasons in 1986, although some persons who have been imprisoned for political reasons in the past have had difficulty obtaining a passport. For the ordinary citizen, obtaining a passport often takes several months, though there are no formal restrictions on emigration. A woman is obliged to have the permission of her father, or, if she is married, her husband, to obtain a passport. A divorced woman must receive her father's permission for a passport. If she has custody of children, she must have the father's permission for the children's passports.

There are no known instances of the Government depriving any citizen of Moroccan nationality. Moroccan law considers any person who acquires Moroccan nationality to be a citizen for life. There were no known instances of the Government refusing reentry in 1986. Morocco specifically encourages voluntary repatriation for Jewish community members who have emigrated from Morocco. It also encourages the return of Saharans who have opposed Morocco in the Western Sahara conflict. Returning former Polisario members deemed to pose no security threat have been reintegrated into Moroccan life.

Morocco adheres to the 1951 Convention on Refugee Status. It currently has some 500 refugees, mainly from African countries and Eastern Europe. Most of the Eastern European refugees came to Morocco in the 1940's and 1950's. For a grant of refugee status, the Government requires that the requester be able to care for his needs. Although there were reports, denied by Moroccan authorities, of Libyan expatriates being forced to return to their country in 1984, there were no such reports in 1985 or 1986.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In practice, executive power is vested in the King and exercised by a government designated by him. The King generally gives some consideration to the proportional strength of parties--as determined by elections--in naming the Government.

Parliament participates in the formulation of overall policy, including the review of the annual budget and other major legislation. However, many measures of lesser importance are promulgated as government decrees or occasionally by royal proclamation. Several layers of directly or indirectly elected officials--including members of Parliament, provincial assemblies, and municipal councils--participate in formulating decisions. The Government in 1986 emphasized its commitment to the continued decentralization of power.

More than a dozen political parties, representing a spectrum of political philosophies from far left to conservative, competed in the municipal elections of 1983 and the 1984 parliamentary elections. Representatives of many parties were elected, although some results were challenged. On April 17, 1986, partial elections (for 5 parliamentary and 92 municipal

council seats) were held in a number of electoral districts. Some of the seats had been vacated because the original 1983 or 1984 elections had been disallowed by court decision.

In Parliament there is frequently lively debate on many subjects, and often split votes. In Parliament's 1986 autumn session, one party broke the precedent of electing parliamentary officers by consensus. While government proposals in Parliament are rarely rejected outright, specific measures are often modified. Political pressure on occasion has persuaded the Government to delay or withdraw legislation.

The Government occasionally uses a direct referendum on major questions affecting the Constitution and the state structure. In 1984 the voters were asked to approve the Moroccan-Libyan Treaty of Oujda, and the Government announced that 97 percent of those casting ballots voted for the union. In 1986 King Hassan abrogated the Treaty without recourse to a referendum.

Virtually all points of view are represented in Parliament. Ethnic and tribal distinctions remain, fostered by the country's mountainous terrain.

The Constitution provides that "men and women enjoy equal political rights." Women occupy responsible government positions, including at the ministerial staff level. Women's role in political life remains restricted, however. No woman holds a seat in the 306-member Parliament, although women have run in parliamentary elections. Of 15,500 city council members in Morocco, only 17 are women. Women serve on the executive committees of several of the major political parties and on the Saharan Consultative Council, a body created in 1981 to advise the King on Western Saharan issues.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.

In recent years, Morocco has not refused any formal international or nongovernmental investigation of human rights, though the Government is sensitive to such investigations and cooperation may be slow. In a March 1986 interview with the Paris journal le Nouvel Observateur, King Hassan said he would accept a visit by Amnesty International representatives and committed himself to provide them with all facilities. He also received an appeal on a long-standing human rights case from the wife of French President Mitterand.

There are two major human rights associations: the Moroccan Association of Human Rights (AMDH) and the Moroccan League for the Defense of Human Rights (LDDH). The LDDH is affiliated with the Istiqlal party (the major political party at the time of independence), while the AMDH has less clearly defined links with leftist political parties. Both were active throughout 1986, particularly regarding prisoners on hunger strike and in calling for the release of political prisoners. Some human rights groups are occasionally subject to police surveillance and harassment. AMDH leaders are closely monitored by the Government. In past years, several AMDH leaders have been detained for human rights activism.

The Government closely follows international organizations' interest in human rights issues involving the Western Sahara. One external organization, the Paris-based Association for Human Rights (ASDHOM), is particularly active in reporting on

MOROCCO*

Morocco. ASDHOM does not have active chapters in Morocco but regularly informs the French press of Moroccan human rights developments. In addition, in late 1985, the New York-based Lawyers' Committee on Human Rights issued a 90-page report on human rights in Morocco. There has been no indication that the Government has responded.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution reaffirms the legal equality of all Moroccans. In the professions, women have made great progress in law, medicine, and teaching. Progress in professional fields has not always been matched in the society at large. There are areas where traditional standards prevail, especially in the area of private law. Divorce is permitted, but a husband can repudiate his wife while she cannot repudiate him. A man is permitted four wives according to Islamic tradition, although multiple marriages are increasingly rare. Segregation of the sexes is common, especially in social settings. However, in rural areas and among the urban poor, as well as increasingly among middle and upper class families, women are employed outside the home and contribute to family income.

The Government actively supports labor and family planning projects designed to improve the condition of women and has organized employment programs for them. However, religious opposition and social resistance to such efforts remain strong.

Some Berber spokesmen claim that Moroccan institutions do not reflect the Berber character of the population and that, as a result, for example, of a lack of Berber-language schools, the Berber identity is not sufficiently maintained. A popular intellectual monthly review, largely dedicated to questions of Berber identity, was suspended in 1983 and has not reappeared. However, Berbers continue to play a significant role in national and local affairs. Some state-owned radio stations broadcast several hours daily in the Berber language.

CONDITIONS OF LABOR

Morocco's basic legislation on working conditions dates from the 1930's and 1940's and is fairly widely respected, at least in the modern sector of the economy. These laws provide for a maximum 48-hour workweek with a full 24-hour rest day; for a specified annual paid holiday; and for minimum conditions for the protection of the safety and health of workers, including prohibition of night work for women and children. Children may not be employed or apprenticed before age 12, and there are special regulations governing employment of children between the ages of 12 and 16. However, in the traditional sector of the economy, children are often apprenticed earlier than age 12, especially in areas where school enrollment is not available. Safety and health conditions in many enterprises are substandard. Labor inspectors are charged with monitoring compliance with the law but cannot do so effectively because of inadequate resources. Minimum wage legislation exists and minimum wages are raised periodically by the Government according to a two-tier system for agricultural and industrial workers. The most recent raises were in 1985.

THE WESTERN SAHARA

Portions of the Western Sahara, now divided into four provinces, are administered by Morocco. Morocco assumed administration of the northern three provinces after the withdrawal of Spanish forces in 1975, and it asserted control over the southernmost portion in 1979 when Mauritania renounced its claim to the area and ceased administering the region over which its authority had been vested by the Madrid Accords of 1975.

Since 1977, the northern provinces of Al Ayoun, Smara, and Boujdour have participated in elections held throughout Morocco. Communal elections were held in the southernmost province of Oued ed Dahhab in May 1981. The four Saharan provinces participated in 1983 elections and in all votes in 1984, including the referendum on the Moroccan-Libyan Treaty of Union and direct and indirect elections to Parliament. Participation in both the referendum and the direct elections to Parliament tended to run higher in the Western Sahara than in almost all other areas of Morocco.

Moroccan Saharan incumbents fill all 10 parliamentary seats from the Western Sahara provinces, and Western Saharan-origin politicians also fill seats from other provinces. The governors of the Saharan provinces, appointed by the King, are all native Saharans. In consultation with elected municipal and provincial councils, the four governors administer their provinces in the same manner as the provinces and prefectures of Morocco proper are administered. Most village and civil servants are also locally recruited Saharans. The governors' primary responsibilities are to accelerate development and the delivery of social services. Investment in the Western Sahara remains tax-free, in large part to encourage greater investment in the area, which has the effect of raising the general standard of living. Crown Prince Sidi Mohamed visited the Western Sahara on September 2-9, 1986, for a tour of the area where sporadic fighting continues between Moroccan forces and the Polisario, an organization which seeks independence for the territory.

Ultimate sovereignty over the Western Saharan region remains a subject of international dispute. At the June 1981 summit meeting of the Organization of African Unity (OAU) in Nairobi, Morocco proposed that a referendum be held to decide the question. At a subsequent OAU meeting, specific measures seen as leading to a peaceful settlement of the Saharan problem were outlined by the member states. The OAU summit meeting in 1983 resolved that the referendum be held in December 1983 but also called for direct negotiations between Morocco and the Polisario, a request Morocco does not accept. The resulting stalemate has prevented progress to resolve the Western Saharan dispute in the OAU. Morocco walked out of the November 1984 OAU summit after the Saharan Democratic Arab Republic Delegation was seated. Morocco later called for the U.N. to administer the referendum to determine the population's wishes on independence or integration into Morocco. In October 1985, King Hassan, in a message to the U.N., also announced a unilateral cease-fire by Moroccan forces in the region. He pledged that Moroccan forces would only defend themselves if fired upon. In 1986 U.N. Secretary General Perez de Cuellar lent his good offices to an effort involving "proximity talks" with Morocco and the Polisario, with a view to arranging a referendum under U.N. auspices. Morocco has accepted in principle the Secretary General's framework. The Polisario and Algeria, which supports the Polisario, have also accepted the U.N.'s good offices, but continue to call

for direct negotiations between Morocco and the Polisario. Although the two sides agree on the principle of a referendum, they remain far apart on the modalities.

The civilian population in the portion of the Western Sahara under effective Moroccan control is subject to Moroccan political institutions and laws. Officially it is subject to the same human rights practices as other Moroccans in areas of undisputed Moroccan sovereignty. There are, however, reports that Saharans often have difficulties obtaining passports, that their political views are more closely monitored than those of residents of Morocco proper, and that police and paramilitary authorities react especially harshly against those suspected of supporting the Polisario. Moroccans continue to allege Polisario human rights abuses, including illegal detention, impressment into military service, and general infringement of the civil liberties of the inhabitants of the Western Sahara. There have been few opportunities to evaluate the human rights practices of the Polisario in areas outside the "berm," the Moroccan forces earthwork defense line, and these allegations cannot be confirmed or denied.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MOROCCO

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	83.7	105.7	38.9
LOANS.....	45.0	73.0	12.5
GRANTS.....	38.7	32.7	26.4
A.AID	26.4	38.3	36.8
LOANS.....	0.0	18.0	12.5
GRANTS.....	26.4	20.3	24.3
(SEC.SUPP.ASSIST.)...	7.0	15.0	16.5
B.FOOD FOR PEACE.....	54.8	65.1	0.0
LOANS.....	45.0	55.0	0.0
GRANTS.....	9.8	10.1	0.0
TITLE I-TOTAL.....	45.0	55.0	0.0
REPAY. IN $-LOANS.....	45.0	55.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	9.8	10.1	0.0
E.RELIEF.EC.DEV & MFP.	0.2	1.3	0.0
VOL.RELIEF AGENCY.....	9.5	8.8	0.0
C.OTHER ECON. ASSIST...	2.5	2.3	2.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.5	2.3	2.1
PEACE CORPS.....	2.5	2.3	2.1
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	70.4	49.5	35.9
LOANS.....	38.8	8.0	1.0
GRANTS.....	31.6	41.5	34.9
A.MAP GRANTS.....	30.0	40.0	33.5
B.CREDIT FINANCING....	38.8	8.0	1.0
C.INTL MIL.ED.TRNG....	1.6	1.5	1.4
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	154.1	155.2	74.8
LOANS.....	83.8	81.0	13.5
GRANTS.....	70.3	74.2	61.3
OTHER US LOANS.....	5.4	0.0	0.0
EX-IM BANK LOANS.....	5.4	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	312.9	352.2	551.1	3766.6
IBRD	265.8	207.6	538.0	3242.0
IFC	0.0	44.6	4.6	151.2
IDA	0.0	0.0	0.0	50.0
IDB	0.0	0.0	0.0	0.0
AOB	0.0	0.0	0.0	0.0
AFDB	10.7	44.1	0.0	81.6
UNDP	0.4	1.9	0.0	65.3
OTHER-UN	0.0	0.0	0.0	22.0
EEC	36.0	54.0	8.5	154.5

NEPAL

Nepal is the world's only Hindu Kingdom. Its Constitution specifies that the King (chief of state) is the sole source of authority for all government institutions. Although there are traditional and constitutional restraints on the King's powers, he effectively rules as well as reigns. Political parties are formally banned and elections are contested on an individual basis. Nevertheless, parties do exist and function more or less openly.

The National Panchayat (legislature) consists of 112 representatives elected directly on the basis of universal adult suffrage and 28 appointed by the King. Legislation passed by the National Panchayat is sent to the King for his approval, without which it cannot become law. The Supreme Court can invalidate laws which it finds to be inconsistent with the Constitution.

The National Panchayat selects the Prime Minister from its ranks. In turn, he appoints the Council of Ministers (cabinet). The Council, answerable to both the National Panchayat and the King, manages day-to-day government operations and advises the King. In 1983, for the first time, the Prime Minister was changed by a vote of no confidence. In 1986 elections were held for a new 5-year term of the National Panchayat, and in June a new Prime Minister was named unopposed.

Nepal ranks among the world's poorest countries. Over 90 percent of its traditional and rural population is engaged in subsistence agriculture. Nepal maintained a self-imposed isolation until 1951; economic development and the broadening of political participation have been government objectives only since that time. Communications facilities are still limited and the radio remains, for most Nepalese, the only contact with the outside world.

Internal security is maintained in the first instance by the national police and as necessary by the army. Owing to Nepal's limited communications facilities, local officials have a large degree of autonomy and exercise wide discretion in dealing with law and order issues.

Compared to the situation in previous years, and particularly to 1985 when large numbers of people were jailed without trial in response to teachers' strikes, an opposition civil disobedience campaign, and terrorist bombings, the human rights situation in Nepal improved somewhat in 1986. The elections for the national legislature were relatively peaceful and fair, and the major concern was over the Government's repressive actions against the private press. However, the smaller number of arbitrary detentions in 1986 appeared to be due more to opposition restraint than to a change in basic policy on the part of the Government.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no political killings reported. In September an outspoken critic of the Government and the political establishment, as well as of narcotics trafficking, was

seriously wounded by a gunman in what appeared to be an assassination attempt. The Government paid for part of his medical treatment, announced arrests, and instituted an investigation which is still continuing. There are various possible motives for the shooting and the victim has been unable to identify his assailant; it may therefore prove impossible to determine who was responsible for the attack.

b. Disappearance

There were no allegations of disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There are persistent reports, particularly from remote areas, that police regularly use brutal methods to interrogate or intimidate prisoners, both criminal and political. In a special report on Nepal issued in May 1986, Amnesty International expressed concern about reports of torture of political and criminal detainees. Rarely has the Government actively investigated allegations of police brutality or acknowledged public concerns about its prevalence. Some officials privately admit that they are unable to control police excesses.

Places of detention reflect the low standard of living in this extremely poor country. Jail conditions vary according to the crime committed and the person's status, but all prisoners have access to medical attention and to the traditional Nepalese diet. They are usually permitted visitors and goods from the outside. Generally, political prisoners have fared better than those convicted of criminal acts. Separate facilities are maintained for women and for the criminally insane.

d. Arbitrary Arrest, Detention, or Exile

The Public Security Act permits 6 months of preventive detention before charges must be filed. There were allegations that some prisoners were released and immediately rearrested for another 6 months without charges being filed. There were also reports that some people were held in prison after completion of their sentences and, in some cases, in defiance of Supreme Court orders.

For common crimes, a suspect must be brought before a court within 24 hours and must be informed of the general grounds for the arrest or be released. A 7-day extension may be granted for the completion of the police investigation. Strict adherence to these principles is not the norm.

Neither official exile nor forced labor is practiced in Nepal.

e. Denial of Fair Public Trial

The law provides for the right to a public trial in most cases (some security and customs cases excepted) and this right is usually honored. Except for those held in preventive detention, the Constitution guarantees the right to counsel and protection from double jeopardy and ex post facto application of the law. These rights are not always respected.

There are separate military and civilian courts. Military courts generally deal only with military personnel, but

civilians may be tried in these courts for crimes involving the military. Lower court judges are appointed by the Government on the recommendation of the Judicial Service Commission, and higher court judges are appointed by the King on the recommendation of the Chief Justice of the Supreme Court.

The judiciary is legally independent but generally not assertive in challenging the executive. All lower court decisions (including acquittals) are subject to appeal, and the Supreme Court is the court of last appeal. The King may grant pardons and set aside judgments.

The Government has acknowledged holding "political prisoners," but there is no agreement on the definition of the term, which in opposition usage may include a range from student activists to convicted murderers. During 1986 the Political Prisoners Release Committee, composed of leftists and other opposition figures, claimed that there were more than 250 political prisoners in Nepal's jails.

In its special report on Nepal issued in May 1986, Amnesty International expressed concern about laws passed in 1985 which expand secret trials.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Nepalese law and tradition bolster privacy of the home and family, which the Government generally respects. Except for those suspected of narcotics or security violations, search warrants issued by Chief District Officers are required before search and seizure. The correspondence of some foreigners and domestic nonconformists is opened with little attempt at concealment.

Section 2 Respect for Civil Liberties, Including

a. Freedom of Speech and Press

Under the Constitution, the freedom of speech and of the press may not be exercised in support of a political party or "to the detriment of the common good," the monarch, or members of the royal family. In practice, this rule is widely interpreted to permit criticism of the Government but not of the monarch or of the royal family. Journals and newspapers which overstep the established guidelines may be required to suspend publication. In addition, journalists or editors may be detained under the Public Security Act or even the Treason Act. In 1986 the Government closed 20 papers for printing objectionable material, and arrested 6 editors and 2 reporters for material they had written. In October a member of the Panchayat wrote a satirical poem critical of Nepal's system of government which was published in a prominent newspaper. Both the author and the editor were arrested and jailed for violating the Press Act by publishing anticonstitutional and objectionable material. Journalist groups have complained of the uncertainty surrounding what may be found objectionable at any given time.

The two dailies with the largest circulation are government organs, but they carry some reports of opposition activities and criticism of the Government, as well as extensive coverage of the debates in the National Panchayat. A major complaint of the independent newspapers is that government advertising

(and most private advertising) goes only to the two semiofficial papers. Nevertheless, the independent press continues to be fairly vigorous and candid in its criticism of government policies and motives.

Foreign publications are seized or banned when deemed to carry articles unfavorable to the Government or the monarchy. Several Indian newspapers were banned for varying periods during 1986.

The single radio service in Nepal, and the sole television station in Kathmandu (which began broadcasting in 1986), are run by quasi-public boards and avoid controversial topics.

b. Freedom of Peaceful Assembly and Association

Regulations permit local authorities to prohibit meetings, speeches, and posters if they are found not to be "for the convenience or good of the general public." The law forbids activities detrimental to the monarchy, to relations among the people, or to national security. All political parties are banned under the Panchayat system, although in practice political party members are generally permitted to assemble privately and to express their views in the independent press.

Regulations governing political activities are interpreted differently by local authorities in different areas of the country, and the decision whether to permit a political meeting is made on an ad hoc basis. Student groups, including those openly affiliated with the banned political parties, are allowed to contest campus elections. However, they are typically prevented from holding meetings or demonstrations off campus, and a number of student leaders are usually in jail at any given time.

The Government banned trade unions in 1960. The Nepal Labor Organization (NLO), a creation of the Government, is the only organization officially permitted to perform trade union-like functions. There are some independent worker's associations which are repressed by the Government when they become too active. Despite reports during 1986 of meetings between the Education Minister and teacher representatives, the Government continued to withhold recognition of the National Teachers Association.

There is a legal right to strike, provided that the strike is authorized by the NLO. In practice, the few strikes which are held are illegal wildcat actions. The NLO has not called a legal strike within the last 2 years. The NLO, however, typically becomes involved in mediating between strikers and employers after illegal strikes have begun.

c. Freedom of Religion

The vast majority of Nepalese are Hindus. Religious tolerance is traditional, and the Constitution provides that "every person, having regard to the traditions, may profess and practice his own religion as handed down from ancient times." However, the Constitution also provides that "no person shall be entitled to convert another person from one religion to another." The legal code provides a maximum penalty of 1 year in prison for any Hindu who converts to another religion and 3 to 6 years in prison for any person who seeks to proselytize a Hindu. In 1986, 9 new cases were registered in which 27 people were charged with conversion and 17 with proselytizing.

NEPAL

In the past, there have been occasional allegations from some members of Nepal's small Christian minority of harassment which inhibited the free practice of their religion, even when they were not engaged in proselytizing. This charge was renewed in 1986 when a Catholic priest and two nuns, all Indian nationals, and several Nepali Catholic laymen were arrested at Sirsia and charged under the laws against proselytization and conversion. They claimed that they were only ministering to Catholics in the vicinity, and complained of maltreatment during their arrest and transfer to the district capital. A police officer involved in the incident was later transferred, apparently as a disciplinary measure.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on travel within the country for Nepalese citizens, although several border areas have been restricted for travel by foreigners. Nepalese abroad are free to return home. There are no known cases of revocation of citizenship for political reasons.

Nepal has no stated refugee policy. In the past it has accepted and assimilated approximately 12,000 Tibetan refugees and, according to immigration officials, no refugee has ever been forced to return to Tibet. Today, travelers from Tibet travel freely in both directions across the border.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Political legitimacy in Nepal flows from the King, not from the people, since the Constitution is bestowed by the monarch rather than adopted by the citizenry. Most Nepalese accept and support a central role for the monarchy, either for religious reasons (the King is regarded as a reincarnation of the Hindu god Vishnu) or out of respect for tradition. Many Nepalese also view the monarchy as the symbol of Nepalese nationalism and a force that unifies a nation of disparate ethnic and linguistic communities. At the same time, there is substantial public support for the view that Nepal's future political development should follow democratic lines.

The 1980 constitutional reforms restructured the nation's formal political framework to make officials more answerable to the voting public. Direct election by universal adult suffrage was intended to make National Panchayat members more sensitive to the need to be seen as representing the interests of their constituents in relation to the Government. That imperative was reinforced by the electorate in the 1986 election, when nearly two-thirds of the incumbents seeking reelection to the National Panchayat were defeated. The elections appear to have been generally free and fair, despite some allegations of attempts at official manipulation.

The accountability of the Prime Minister to the National Panchayat has made for lively debate of many issues. However, the ban on political parties makes it difficult for public opinion to be represented and mobilized systematically. In the absence of political parties, the Palace still effectively dominates the legislature.

NEPAL

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A British/American human rights group visited Nepal in early 1986 to look into reports of persecution of Christians. Government officials met with the group and offered to investigate specific allegations of abuse but staunchly defended the laws against conversion and proselytizing. Noting that the information received from Christian groups omits the names of the alleged victims, the Government has not proceeded with an investigation of the cases examined by the British/American group, but the later incident at Sirsia was investigated. The Government did not cooperate with an inquiry by the International Labor Organization into complaints of unfair treatment of the teachers organization.

There are several human rights organizations in Nepal which work with Amnesty International and with regional human rights groups. Human rights activists disseminate their views in public meetings, newspapers, and pamphlets. There have been no reports of attempts to suppress them. The Government has expressed its concern about human rights violations in Kampuchea, Afghanistan, and South Africa.

Amnesty International issued a special report on Nepal in May 1986, expressing concern about the continuing imprisonment of persons without formal charge or trial, about reports of torture of political and criminal detainees, and about laws passed in 1985 which expand secret trials and extend the death penalty. There has been no indication of any official or unofficial response to the report by the Government. The Government's normal practice is to ignore foreign references to human rights in Nepal and avoid public statements on the subject.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Women in Nepal have the right to vote and to hold property in their own name. Women's property rights have been enforced by the courts when cases are brought to them, especially in the Kathmandu area. However, women have yet to enjoy their rights fully in many rural areas, where lack of knowledge or understanding of the law is common and the weight of traditional practice and attitudes is great.

As a Hindu nation which began the development and modernization process barely 35 years ago, Nepalese society is suffused and shaped by the traditional caste system. However, public discrimination on the basis of caste, and particularly the practice of untouchability, has been outlawed and is officially discouraged. The spread of education is slowly reducing caste distinctions and increasing opportunities for lower socioeconomic groups. Politics, as reflected by national election results, continues to be dominated by the traditional higher castes (Brahmins, Chetris, Newars) but the representation of other castes is increasing.

CONDITIONS OF LABOR

The industrial sector is small, accounting for little more than 1 percent of Nepal's gross domestic product. The Nepal Factories and Factory Workers Act of 1959, as amended, sets minimum wage rates and working conditions, including special

rules for women and a minimum working age of 14 years. Enforcement is spotty, however, and there have been reports of child labor in match and cigarette factories.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: NEPAL

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	17.5	23.1	19.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	17.5	23.1	19.0
A.AID	14.1	18.4	16.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	14.1	18.4	16.7
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	1.3	2.2	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.3	2.2	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	1.3	2.2	0.0
E.RELIEF.EC.DEV & WFP.	1.3	2.2	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	2.1	2.5	2.3
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.1	2.5	2.3
PEACE CORPS.....	2.1	2.5	2.3
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.1	0.1	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.1	0.1
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.1	0.1	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	17.6	23.2	19.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	17.6	23.2	19.1
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	220.3	154.7	102.8	1301.1
IBRD	0.0	0.0	0.0	0.0
IFC	3.0	0.0	0.0	12.3
IDA	148.8	92.6	34.5	647.8
IDB	0.0	0.0	0.0	0.0
ADB	66.0	60.7	68.3	520.1
AFDB	0.0	0.0	0.0	0.0
UNDP	2.5	1.4	0.0	89.7
OTHER-UN	0.0	0.0	0.0	31.2
EEC	0.0	0.0	0.0	0.0

OMAN

The Sultanate of Oman is an absolute monarchy without popularly elected representative institutions. The reigning Sultan, Qaboos bin Said Al Said, is the 14th ruler of the current dynasty. The State Consultative Council, formed in 1981, functions as an advisory body on economic and social questions. Members are appointed by the Sultan who has continued the House of Al Said's long tradition of firm control over all questions affecting the Omani State.

National security remains a matter of continuing close attention. In the early years of the rule of Sultan Qaboos, the Government had to focus its concern on quelling an insurrection in the southern province of Dhofar supported by the People's Democratic Republic of Yemen. The insurrection finally was defeated in 1975, but threats from South Yemen and later from Iran forced Oman to continue to devote considerable revenue to defense. As the nation on the south shore of the Strait of Hormuz, Oman has become the focus of attention for efforts to protect the flow of oil from the area, with concomitant increased expenditure on military modernization. Many key jobs in the Government, especially in the military and internal security services, are occupied by outsiders, including many British.

Almost totally undeveloped in 1970, Oman has used its modest oil revenues to foster a remarkable degree of progress in the social, economic, and administrative spheres, achieving a significant improvement in the living standards of its people. The economic and social benefits that have accrued from the Government's efforts to modernize the country have won the allegiance of the urban population of the capital area and the provincial administrative centers. Sultan Qaboos has also built on a trend, already visible during the reign of his father, to bring notables of the tribal system of the interior into the national administrative system.

There was one noteworthy development in 1986 in the area of human rights in Oman. The Government banned, with a few insignificant exceptions, the marriage of Omanis to foreigners. The move was explained as an effort to stem the erosion of Omani culture. While civil and political rights are not formally codified, the Government is reasonably accessible to the people through their tribal leaders and walis (governors). The internal security services are large, efficient, and pervasive, but are not generally regarded as repressive, and the integrity of the individual is generally respected.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no known political killings in Oman in 1986.

b. Disappearance

No cases of disappearance were reported in 1986.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Though Islamic law is administered throughout the country by

Islamic judges, the amputations prescribed by such law are generally commuted by the Government to prison terms. Prison conditions are considered severe by Western standards; cells are not air-conditioned despite summer temperatures which can reach over 115 degrees Fahrenheit, and all prisoners must observe the fasting requirements during the Islamic month of Ramadan. There were no reports of torture or other forms of cruel punishment by Omani authorities.

d. Arbitrary Arrest, Detention, or Exile

Though Omani law does not provide for habeas corpus or its equivalent, the period of detention before trial in criminal cases is usually short. Abuses of the police power of arrest have occurred, but the criminal code imposes penalties for unjustified arrest or detention. Citizens have several channels through which they can seek redress of any grievance against law enforcement authorities, and these appear to function well, particularly in rural areas. Membership in certain unauthorized organizations is a criminal offense. The Dhofar insurgency (1965-1975) led to the imprisonment of members of the Popular Front for the Liberation of Oman (PFLO). Although the PFLO remains a proscribed organization and a few of its members may remain in custody, numbers of former insurgents have benefited from an amnesty and returned to Oman from the bordering areas of South Yemen. All Omanis who were in exile under the previous Sultan were given the opportunity to return, as many thousands have done since 1970. The grace period for those in self-imposed exile who wish to return to Oman ended, however, on December 31, 1986. Though police notification may sometimes be slow, incommunicado detention is not practiced. There is no forced labor.

e. Denial of Fair Public Trial

Islamic law prescribes a fair and speedy trial before experienced and impartial judges, and judicial practice in Oman conforms largely to these prescriptions. In fact, however, the majority of cases are settled by out-of-court negotiations. There is no right under law to a jury, counsel, or public trial, but members of the public attend trials and hearings. The defendant is formally charged, either before a magistrate of the police court in the capital area or a local magistrate (qadi) in outlying areas. The defendant may call and question witnesses. If convicted, he may appeal his case to the chief magistrate of the police court system, and ultimately to the Sultan in cases involving serious offenses. The various judicial systems are technically subordinate to the Sultan, but they operate independently in the vast majority of cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There were no reported instances in which the Government has interfered arbitrarily or unreasonably with the private lives of its citizens. However, warrants are not required to search private residences or offices. Such searches, as well as monitoring of telephones and private correspondence, are confined to cases where the Government perceives a security threat or criminal activity. There is no forced membership in political organizations. Although there is no government policy to discourage the use of other languages in speech or print or in religious instruction in the home, the Government has increasingly insisted that correspondence with it, and

public and legal documents, be in Arabic. In a new 1986 law, marriages between Omanis and foreigners were forbidden. Those already married to foreigners had to register within a specified period or risk forfeiting their citizenship and that of their offspring.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There are no guarantees in law which protect freedom of speech or freedom of the press. Criticism of the Sultan in any form or medium is prohibited by law. Criticism of individual officials, agencies, and their programs is tolerated but is not given media coverage. The Government controls all radio and television broadcasting. Government control of all printed matter, including newspapers and magazines, is specified in the Press and Publication Law, issued in May 1984. The law imposes strict controls on, and a mechanism for prior censorship of, all information in printed form in both domestic and imported publications. The Government owns two of the three daily newspapers, one in Arabic and one in English. Subsidies to the several privately owned weekly and biweekly publications provide an effective incentive to self-censorship, although there have been arrests and closure for offensive articles. Thus, editorials and news coverage invariably reflect government views. Publications arriving in Oman from foreign countries are censored for politically or sexually offensive material and are occasionally banned. The censor's attention generally focuses on articles that directly attack or embarrass the Omani Government. In 1986 the regional correspondent of a respected economic journal was warned of the consequences of critical coverage of Oman. Conversations with Omanis are relatively candid on economic matters, but political discussion is limited to foreign affairs.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is not guaranteed by law. Associations of any kind must register with the Government, and those which oppose the political system of the Sultanate are prohibited. Labor unions and strikes are illegal, and there is no collective bargaining. Although Oman's labor law specifically prohibits the right to strike, it does mention the concept of "collective grievance" and encourages conciliation of disputes through the formation of joint consultative bodies of labor and management. The organization of other professional groups is embryonic.

c. Freedom of Religion

Oman is an Islamic state, and virtually all Omani citizens adhere to one or another sect of Islam, the exception being the small Hindu community made up of Omani citizens of Indian origin. Ibadhi Muslims are in the overall majority and include the ruling family. However, members of the minority Sunni and Shi'a Muslim communities are found in all walks of life in both the public and private sector. Non-Muslim foreigners, both Christian and Hindu, are allowed to worship at designated locations on land donated by the Government. Although there is no indigenous Jewish community or synagogue, Jews are not barred from living and working in Oman; religion is not a factor in gaining entry into Oman. Non-Muslims in Oman are prohibited from proselytizing. Conversion to Islam is encouraged and publicized.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Omanis living abroad before 1970 have returned to Oman in large numbers with official encouragement and without legal obstacles. Several thousand ethnic Omani refugees from East Africa, particularly Zanzibar, have been successfully resettled. Many Omanis who had sought refuge in South Yemen during the insurgency in Dhofar (1965-75) have returned to Oman with official encouragement. Non-Omani refugees are not permitted to remain in Oman. Those few that reach Oman are generally returned to their homelands unless they can be quickly resettled in a third country. Omanis may travel abroad freely, although a woman must have authorization from her husband or father to obtain a passport. Many Omanis work abroad, particularly in the United Arab Emirates, where an estimated 30,000 Omanis are currently employed. Many of these people travel home to Oman on weekends. With the exception of a few military areas, there are no restrictions on travel by Omanis within their country. The Government's development of transportation has greatly increased the ability to move within the country to heretofore inaccessible areas.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Oman is a monarchy in which the Sultan retains the final word in all government decisions. Succession to the monarchy is determined through a consensus of the ruling family and leading public figures. There are no political parties, legal opposition groups, elections, or constitution. Citizens do have access to senior officials through the traditional practice of submitting petitions for the redress of grievances. Successful redress depends on the effectiveness of personal contact and the quality of the persons chosen as intermediaries. Outside of Muscat, the Government still reflects the tribal nature of Omani society. Traditional elites dominate the tribal and town councils, which settle intratribal disputes. Final authority, however, is with the walis (governors), who are appointed by the Sultan.

In an effort to broaden participation in the Government, the Sultan formed the State Consultative Council in 1981. It consists of 55 members drawn from the Government, the business community, and the outlying districts. It includes members of every significant ethnic, geographic, and religious group. At present, the Council's role is an advisory one, limited to the social and economic spheres.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government of Oman declined to receive a proposed Amnesty International mission in 1972 during the insurgency in Dhofar. Since then, there have been no known requests by international human rights organizations to visit Oman. There are no independent organizations in the country to monitor human rights violations. Though Oman usually plays a passive role in the U.N. and other bodies on human rights issues, it has criticized Israel's practices in the territories under its occupation and the South African system of apartheid in U.N. forums.

OMAN

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Though conservative, Oman has not been extreme in the interpretation of Islamic precepts on the status of women. Women have shared in the benefits of the social and economic growth of recent years, and schooling for girls is available to the same extent as for boys in urban areas, less so in rural areas. However, for cultural reasons, the level of education which girls attain is still behind that of boys. Many urban Omani women drive. A few women have reached high positions in the public sector. By and large, however, occupational advances available to women are limited to the traditional spheres of teaching, secretarial work, and nursing.

The gains achieved by a small minority of women are largely irrelevant to the great majority, both in the towns and in the rural areas, whose lives are carried out within the confines of the house and the local marketplace. The previous lack of adult education facilities means that all but the youngest females in rural areas are illiterate. This general lack of education, combined with communal and tribal customs which dictate a subsidiary role for women, makes it difficult for most adult women to participate fully in the modern sector. The expansion of educational facilities for girls (including the new university) will allow for some equalization of the position of women in the future, but the communal and tribal customs will continue to militate against full participation by women for the foreseeable future.

CONDITIONS OF LABOR

Since the early days of the reigning Sultan's rule, Oman has had a comprehensive labor law defining conditions of employment for both Omani and foreign workers, who constitute a large percentage of the work force. The labor law reportedly is fairly enforced, and workers' grievances, which are handled within the Ministry of Labor and Social Affairs, are generally given the benefit of the doubt in hearings conducted by labor inspectors.

Oman's labor law states that the Government can determine the minimum wage and make adjustments according to economic circumstances. In practice the minimum wage in Oman has covered only unskilled Omani workers and is currently set at 75 Omani riyals (approximately $195) per month. Unskilled foreign workers are not covered by these provisions, but in many cases the respective embassies set suggested minimum wages.

Employment of children (those under 13) is prohibited. Omani law regulates the employment of juveniles, defined as those between the ages of 13 and 16, prohibiting evening and nighttime work, strenuous occupations, and overtime and holiday work. A special section deals with employment conditions for women, prohibiting evening and nighttime work, safeguarding health and morals, and setting out their rights to maternity leave.

Omani labor law is very specific on matters of occupational safety and access to medical treatment. Likewise, the workweek is set at 48 hours (36 hours for Muslims during Ramadan), and various categories of leave are set forth.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: OMAN

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	15.0	20.0	19.6
LOANS.....	10.0	15.0	14.6
GRANTS.....	5.0	5.0	5.0
A.AID	15.0	20.0	19.6
LOANS.....	10.0	15.0	14.6
GRANTS.....	5.0	5.0	5.0
(SEC.SUPP.ASSIST.)...	15.0	20.0	19.6
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	40.1	40.2	9.1
LOANS.....	40.0	40.0	9.1
GRANTS.....	0.1	0.2	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	40.0	40.0	9.1
C.INTL MIL.ED.TRNG....	0.1	0.2	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	55.1	60.2	28.7
LOANS.....	50.0	55.0	23.7
GRANTS.....	5.1	5.2	5.0
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	15.0	23.4	30.0	138.3
IBRD	15.0	23.0	30.0	130.0
IFC	0.0	0.0	0.0	2.0
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.0	0.1	0.0	5.5
OTHER-UN	0.0	0.3	0.0	0.8
EEC	0.0	0.0	0.0	0.0

PAKISTAN

Democracy and respect for human rights advanced significantly in Pakistan in 1986. Martial law courts were abolished, martial law lifted, the 1973 Constitution and fundamental rights restored, Parliament's independence asserted, and political life and political parties revived. Although the judiciary is prohibited from reviewing decisions of the martial law period, the Government agreed to consider legislation that would allow persons alleging abuse of their rights during the martial law era to seek redress. There was a revival of vigorous political activity, including a parliamentary opposition group, as well as parties which boycotted the 1985 elections. Pakistan's sociopolitical cohesion is fragile, however, and Prime Minister Mohammad Khan Junejo and the Chief Ministers of Pakistan's provincial governments implemented a tough crackdown in August 1986, alleging that opposition activities commemorating Independence Day threatened law and order. Members of religious minorities, particularly Ahmadis, continue to face discrimination and are the occasional targets of mob violence. Women have reserved positions in political life, but both social and legal constraints continue to inhibit full equality with men.

Pakistan ended 7 years of martial law and a 20-year-old state of emergency on December 30, 1985. During 1986, the nation was administered by a civilian parliamentary government, although President Zia Ul-Haq retains substantial powers. The Government is headed by Prime Minister Junejo and a cabinet of National Assembly members and Senators, who won nonparty elections (in which candidates ran for office as individuals and were not identified by party affiliation on the ballot) in February 1985. In the provinces, parallel parliamentary assemblies, also elected in 1985, were in place. Although most opposition political leaders called for a boycott of the elections, outside observers considered that the elections were clean, with voter participation generally exceeding 55 percent.

Legislation passed in December 1985 authorized Junejo to revive the Pakistan Muslim League (PML) under his own leadership in February 1986. Progovernment PML groups quickly formed in the National Assembly and in provincial assemblies, giving the PML comfortable majorities in all houses. President Zia ul-Haq, who came to power in a 1977 coup, won a 5-year term as President in a controversial referendum held in December 1984. In addition to the powers of the presidency, Zia retains the position of Chief of Army Staff and wields substantial residual powers under the Constitution.

The extraparliamentary opposition, especially the coalition known as the Movement for the Restoration of Democracy (MRD), which boycotted the 1985 elections, continues to challenge the legality of the present Government. State security agencies closely monitor opposition activities, but interfere only when ordered to do so by the Government, and then only in situations where violence is expected or has occurred.

During the 1970's, the government of Zulfikar Ali Bhutto vigorously expanded the state sector of the economy. General Zia has been more supportive of private business activities and has encouraged economic growth. Private entrepreneurship is now flourishing in the small industrial sector. Pakistan continues to make impressive economic gains, even though long-term growth is limited by a poor educational system,

widespread and growing illiteracy, limited resources, and a continuing bias, among officials, against an expanded private sector.

The Soviet invasion of Afghanistan continues to have a major impact on Pakistan. Pakistan provides refuge to nearly 3 million Afghans and is the target of an intense campaign of Soviet-inspired disinformation, sabotage, and subversion. In 1986 dozens died in explosions throughout the Northwest Frontier Province--most believed to be the work of agents of the Kabul regime. Soviet and Afghan government forces have frequently shelled and bombed Pakistan border areas, killing more than 100 people through midyear.

Against the backdrop of a long history of human rights abuses, under both civilian and military rule, the last 2 years have shown major improvement. In 1985 the first parliamentary elections in more than a decade were held, although opposition parties disputed their legitimacy, and on December 30 martial law was lifted. Political debate was more open than at any time in the last 15 years. Many observers claimed that for the first time since the 1950's, political gatherings and activities were freely held. However, exceptions were made if the Government believed an event had the potential to become violent.

Upon coming to office in March 1985, Prime Minister Junejo vowed that he would not stop opposition Pakistan People's Party (PPP) leader Benazir Bhutto, or other opponents, from peacefully challenging his rule. Bhutto was allowed to return to Pakistan in April 1986, and Junejo kept his pledge as she toured Pakistan to address large rallies and to demand early elections. However, when leaders of Junejo's Muslim League and the opposition alliance MRD announced plans for rival Independence Day rallies in Lahore in August, Junejo cancelled the PML rally and asked the MRD--of which Bhutto's PPP is the largest component--to postpone its own. He cited concern for public safety and the sanctity of Independence Day as the reasons for his action. The MRD claimed that the Prime Minister's action arose from the Government's realization of how little support it had and refused to reschedule its rally. Provincial authorities then banned the planned gatherings; when the MRD defied the ban, violence ensued in Lahore, Karachi, and much of rural Sind, resulting in at least 37 deaths and continuing sporadically in the southern part of the country for several weeks. The Government detained Benazir Bhutto, other MRD leaders, and several thousand supporters, most of whom were released within 30 days.

There have also been temporary bans on large gatherings after outbreaks of sectarian and ethnic violence. In December the Government banned public gatherings and imposed curfews after vicious ethnic fighting broke out between Pathans and Mohajirs (Muslim emigrants from India and their descendants) in Karachi and Hyderabad. Rioting erupted after law enforcement officials targeted arms and narcotics smuggling rings in Pathan areas of Karachi for a cleanup campaign. In the Government's effort to restore law and order, thousands of troops were deployed and given "shoot on sight" orders for curfew breakers. During the conflict, more than 900 people were arrested, and approximately 180 were killed.

PAKISTAN

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There was no evidence of government or government-instigated political killings. However, according to government figures, some 37 people--including 10 law enforcement officers--died during the August violence between government forces and MRD and other political elements. The Government asserts that all those civilians killed by security forces were committing acts of violence or subversion, e.g., attacking police or railroad stations; the MRD charges, however, that many of those killed were victims of unwarranted use of force by the Government.

b. Disappearance

There were no reports of government-instigated disappearances. Kidnapings by highwaymen, usually for ransom, increased, particularly in rural Sind and in semiautonomous tribal areas.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There was no evidence that political detainees were tortured in 1986, although there were reports that some persons who resisted arrest were "abused" by the police. A few MRD supporters were forced to march naked through the streets following violence in Lahore on Independence Day. Reportedly, some detainees were held in fetters--a practice usually reserved for capital offenders.

Physical abuse of those charged with ordinary crimes is common. As in other South Asian countries, police in Pakistan are ill-trained, poorly paid, and rarely held accountable--factors which encourage both corruption and abuse of authority. Police and jailers use "third degree" methods, and frequently employ the threat of abuse to extort money from prisoners and their families. The local press regularly reports the deaths of prisoners while in police custody. While the Government responds to highly publicized allegations of mistreatment, it has failed to institute systematic reforms.

The prisons are overcrowded, reflecting Pakistan's lack of resources and the low priority given prison reform. The Karachi Central Jail, built to house 930 persons, currently holds 3,000 prisoners under "normal" conditions. In the Dadu District Jail, prisoners sleep in shifts because there is not enough room for all to lie down at the same time.

Three classes of prison facilities exist. Class "C" cells, which generally hold common criminals, suspected terrorists, and low-level political workers, usually have dirt floors, no furnishings, and poor quality food. The use of handcuffs and fetters is common in "C" cells. Prisoners in these cells reportedly suffer the most abuse, such as beatings and being forced to kneel for long periods. Political detainees and foreign prisoners usually are held in class "B" cells, which provide better treatment, less crowded conditions, and better food. Only prominent persons receive class "A" accommodations, which can include air conditioning and private servants. Pakistan human rights activists and opposition politicians

acknowledge that treatment of political prisoners generally has improved since the lifting of martial law.

There have been cases reported of sane persons being committed to mental institutions through inadequate judicial oversight. These cases reflect inefficiency rather than a government program to use psychiatric institutions as a form of punishment.

The Government's 1979 Hadood Ordinances prescribe traditional Islamic punishments for theft, adultery, and consumption of alcohol and drugs. Penalties include flogging, stoning, and amputation. But before a court may order stoning or amputation, strict rules of evidence must be satisfied; stoning or amputation sentences by lower courts have not been upheld on review, and none was carried out in 1986. In the one reported 1986 case in which a lower court sentenced a person to death by stoning for adultery, the Federal Shariat Court overturned the penalty because the accused had retracted her confession. In 1986 there were occasional floggings of persons convicted of sexual assault, adultery, drinking alcohol, possession of narcotics, and robbery.

In February 1986, the Punjab authorities closed the notorious "subjail" of the Lahore Fort, where torture and other such forms of interrogation allegedly had been used to get confessions from suspected criminals and political opponents. The jail's closure was viewed as an important symbolic gesture toward ending abuses of the martial law and previous eras.

d. Arbitrary Arrest, Detention, or Exile

Pakistan law permits detention under court order for 30 days of persons suspected of threatening public order and safety. Such court orders are renewable for 30 days at a time, up to a total of 90 days, if the Government can demonstrate to the court that the detainee does in fact threaten public safety. Pakistan governments have frequently resorted to this privision to forestall perceived opposition threats by taking political leaders out of circulation.

In August the Government detained PPP leader Benazir Bhutto, many of the leaders of the other MRD parties, and several thousand supporters. The arrests and detentions followed no standard pattern. Some persons were served properly executed detention orders, while others were arrested on what appeared to be blank orders or were not served until several days after being taken into custody. All opposition leaders and most followers arrested in August were released within a month of their arrest. As in the past, senior politicians were often placed under house arrest. Some were released after the courts had ruled their detention invalid, and others on the initiative of the administration. PPP/MRD officials say that at the end of 1986 about 100 activists remained in jail. All appear to be persons charged with criminal offenses who are unable to afford bail--bail being permissible under civil law.

The provincial government in Sind exercised preventive detention provisions in the civil code in connection with a campaign to deal with the activities of "dacoit" gangs (armed bandit groups). According to some reports, as many as 400 persons were detained on suspicion of harboring or otherwise encouraging "dacoity." In Punjab the provincial government also briefly detained religious leaders and workers it suspected of attempting to incite sectarian hatred after

PAKISTAN

Sunni-Shia sectarian violence erupted in various parts of the province in September.

In November in reaction to severe rioting in Karachi and Hyderabad between the Pathan and Mohajir (refugee) communities, Sind authorities detained the leader of a Mohajir party whom they charge instigated the violence. The Sind government also arrested the leaders of the Sind Baluch Pushtoon Front, a party that advocates replacing Pakistan's Constitution with a confederal structure. They were accused of subverting the Constitution by disrupting the territorial integrity of Pakistan, the unity of the people, and the peace, particularly in Sind province. There have not yet been any prosecutions.

Former detainees claim that prisoners under preventive detention frequently have been held incommunicado. There is no evidence that the Government uses forced labor.

During 1986 two prominent Sindhi political leaders and a Karachi University professor, detained without being charged during the martial law era, were released after the civilian judiciary, which previously had been barred from reviewing their detention, found insufficient evidence to hold them.

e. Denial of Fair Public Trial

Martial law courts were abolished with the lifting of martial law on December 30, 1985. During the martial law era, several independent-minded judges were forced out of office. But since the lifting of martial law no clear-cut cases of official pressure on the judiciary have been reported. The pace of justice, however, is slow due to the limited number of judicial benches, the heavy backlog of cases, and outdated court procedures.

The civil judicial system provides for an open trial, cross-examination, representation by an attorney--with court appointment of an attorney for indigents in capital cases--and appeal of sentences. Judges at the trial level are drawn from the judicial services, and all judges can be removed for malfeasance by the executive. The Appellate Courts are staffed with judges from the provincial higher courts, and there have been efforts to improve the procedures and the availability of High Court benches in the provinces.

The special Shariat (Islamic) Courts operate similarly to ordinary civilian courts. They try offenses under the Hadood Ordinances, which apply only in certain areas of law. Cases referred to the Shariat Courts are heard by judges from the civilian court system who usually employ ordinary criminal procedures, but both judges and attorneys must be familiar with Islamic law. Defendants in the Shariat Courts are entitled to bail and lawyers of their choice.

In 1986 death sentences were handed down against four Ahmadi defendants convicted in 1985 in two controversial murder cases. As was the practice in many martial law court trials, rules of evidence and procedure were irregularly applied, and the defense was severely circumscribed. Lawyers for those convicted assert that in the Sukkur bombing case the conviction of the two defendants sentenced to death was invalid because their link to the deaths of the victims was not established. In the Sahiwal case, the defense lawyers aver that one defendant acted in self-defense against a mob, while the other was not present at the scene. Citing serious procedural

defects in the trials, lawyers in the two cases have appealed to President Zia, who is reviewing the cases.

Prior to the lifting of martial law in 1985, the martial law courts hastily tried large numbers of cases in an effort to clear their dockets, and the Parliament passed a constitutional amendment which withdrew from the civilian judiciary the right to review the actions of martial law authorities and courts. Attorneys for persons sentenced by martial law courts have challenged this amendment, arguing that it conflicts with other constitutional guarantees of fundamental rights. The Supreme Court has not made a final ruling, but lower courts have decided that this amendment denies them jurisdiction.

In October the Justice Minister announced that the Cabinet had under consideration legislation that would permit martial law sentences to be appealed. He did not elaborate the provisions of the prospective legislation, but noted that it would be presented in the National Assembly after approval by the Cabinet.

The Federal Government has announced that no political prisoners are being held in the country, i.e., no prisoners are being held who have not been charged with criminal offenses. In September the Political Prisoners Relief and Release Committee (PPRRC) stated that there were 197 political prisoners in Pakistan, down from 237 at the beginning of the year. The difference between these two positions turns on the definition of what constitutes a political prisoner. The PPRRC, a human rights group affiliated with the opposition MRD, citing Pakistan law, defines a political prisoner as one who commits an illegal act--but not an act defined as terrorism--for a political motive. All the prisoners listed by the PPRRC were arrested and convicted during the martial law period.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Decisions about occupation, education, place of residence, and family size are made without official interference. Although police must obtain a warrant before entering a private home, authorities frequently ignore such legal requirements in dealing with political opponents and suspected bandits, particularly in parts of Sind, where the Government in 1986 engaged in several major antibandit campaigns.

The Pakistan People's Party (PPP) has charged that security forces in Sind destroyed houses during the MRD agitation in August. The PPP asserts it has made a video tape which depicts the destruction in one such village. However, an independent human rights organization, which inspected the same village in October, interviewed villagers, and made its own video tape, concluded that the PPP allegations were fabricated.

Pakistan traditionally has maintained a domestic intelligence service to monitor political activists, suspected terrorists, and foreign intelligence agents. Informed sources maintain that wiretapping is used against opposition politicians and that their mail is occasionally intercepted and opened. On some occasions, political opponents of the Government are questioned about their meetings with foreign diplomats.

PAKISTAN

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government owns and operates the radio and television stations and strictly controls the news they carry. A government-owned press trust controls four of the larger newspapers and one of the two national wire services. All are circumspect in their coverage of the news but the government-owned newspapers now cover the opposition. The other newspapers and magazines are privately owned.

Continuing a trend begun in 1985, there is relatively free discussion of government policies and criticism of the Government, especially in the privately owned papers. In addition to more or less unfettered reporting of statements made by legislators, the private press extensively covers remarks critical of the Government made by opposition politicians. For instance, independent newspapers and magazines criticized a presidential order blocking a challenge by the parliamentary opposition to the Prime Minister's right to sit in Parliament. They also took issue with Prime Minister Junejo's actions before and during the August controversy, arising out of the Government's efforts to prevent the MRD parties from holding Independence Day rallies.

In 1986 the National Assembly passed legislation repealing a portion of the Penal Code dealing with defamation. The section forbade the publishers of "books, newspapers, and newssheets" to print any information which might harm the reputation of any person, even if that information were true.

A restrictive "press and publication ordinance," originally promulgated in 1963, is still in force, but the Junejo Government is committed to its repeal. Under the ordinance, official permission for establishing and operating a printing business may be denied or withdrawn if the authorities conclude that the publisher is likely to prejudice the glory of Islam, national integrity and security, friendly relations with foreign countries, public order, decency, or morality. The ordinance is so broad that the Government could stop publication of almost anything it deemed objectionable; it was most frequently applied in 1986 against radical sectarian weeklies charged with promoting religious hatred.

Newspapers are cautious about questioning the actions of President Zia and, to a lesser extent, prominent religious leaders. Also, a long-ingrained caution compels them to tread lightly in reporting on national security issues, including the budget or the actions of the military.

Academic freedom is not explicitly denied, but the authorities have immense powers, in view of the preponderance of state-run institutions of learning, to circumscribe the actions of those regarded as troublesome. In 1986 a professor at one university was removed for writing a paper alleged to be blasphemous, and other faculty members have resigned because of religious pressure.

Another serious threat to academic freedom is the atmosphere of violence and intolerance among the student body. At most large universities, well-armed groups of students--spanning the political spectrum from the Islamic right through various ethnic persuasions to the radical left--clash frequently and

are successful in intimidating other students and instructors on matters of language, syllabus, doctrine, and dress.

Even though student unions are officially banned, student organizations are not. University authorities are powerless or hesitant to crack down, and educational institutions have been frequently closed because of student violence.

Literary and creative works remained generally free of censorship in 1986, but authors and publishers tend to avoid controversial political themes. Obscene literature is subject to seizure, and government authorities frequently ban or confiscate indigenous books and magazines dealing with sensitive political topics, e.g., provincial separatism. Foreign publications critical of the Government occasionally are seized, and some have been banned. No effort was made by the Government in 1986 to restrict foreign journalists' access, including those who followed Benazir Bhutto's travels across Pakistan, or to jam foreign radio or television broadcasts.

b. Freedom of Peaceful Assembly and Association

Government authorities generally respected the right of peaceful assembly in 1986. Political leaders of all stripes were usually able to travel freely and address large rallies, often emphasizing antigovernment themes. However, there were exceptions to this policy in connection with the holding of meetings which the Government believed might result in violence.

The labor movement is reawakening after the period of martial law, and unions covering the entire political spectrum have been permitted to exist; most union federations hold moderate views, and thus far labor unrest has been scant. Under laws going back to the premartial law period of the early 1970's, workers in individual factories remain legally free to form labor unions, negotiate wage and working conditions in most areas of the economy, and elect collective bargaining agents--although the law precludes industry-wide bargaining. Most unions are small, and labor organizers assert that Pakistan labor law encourages the fragmentation of organized labor. Only about 7 percent of the labor force is unionized; most Pakistanis work in small, nonunion shops or in agriculture.

Under Pakistan's labor law, nonunion workers can be signed to short-term contracts. Many labor law welfare provisions covering social security, retirement, and benefits do not apply to such employees. Pakistan unions complain that the widespread use of contract employees circumvents freedom of association by allowing employers to fire unionized labor in favor of easily intimidated nonunionized "contract employees." The issue has been referred to the International Labor Organization (ILO), and the Government is cooperating with the ILO investigation. Prime Minister Junejo's Pakistan Muslim League has pledged to amend labor laws to end or restrain the practice, but no legislation has yet been introduced.

The right to strike was restored with the end of martial law. In 1986 there were occasional strikes, and little evidence of government interference with them. By law, a strike cannot be called until a labor dispute is submitted to arbitration, then to the labor court, and an "intent to strike" notice filed with the Labor Ministry. Labor leaders claim these requirements infringe upon the right to strike, but there is little indication that unions initiating strikes without

following this procedure have been treated harshly. Government employees and laborers in designated essential services are forbidden to organize and to strike. Theoretically, the act covers all employees in utilities, hospitals, firefighting, sanitation, and the police. In 1983 it was extended to cover Pakistan International Airways (PIA), the nationalized airline, which has had a strong history of militant and highly political, antigovernment unionism.

No mediation or arbitration procedure exists to cover workers excluded from unionization under the Essential Services Act. The Government proposes to remedy this by amending the act to empower the head of the National Industrial Relations Board to arbitrate disputes. In 1986 provincial government clerks, who are covered by the Act, engaged in a wildcat strike which resulted in government recognition of some striker demands. There was no retaliation against the strike leaders.

Some unions in Pakistan historically have had strong links to political parties; the independence movement spawned parallel labor structures which successive political parties have sought to adopt or maintain. The PPP has a Labour Bureau and has expressed its intent to form a Peoples Labour Federation. The right-wing National Labour Federation is associated with the rightist/fundamentalist Islamic Jamaat-e-Islami.

Pakistan's moderate labor federations are permitted to associate with the ILO, the International Confederation of Free Trade Unions, and counterparts in other countries. Extreme left-wing unions generally have had their contacts with outside bodies curtailed. In the past they have been prevented from associating with the World Federation of Trade Unions (WFTU) and their leaders have had their foreign travel restricted. In 1986, however, a Pakistan labor delegation was able to attend a WFTU function in East Berlin.

c. Freedom of Religion

Pakistan is an Islamic Republic. Its 1973 Constitution requires all law to be consistent with "Islamic ideology." Under the Constitution, the president and prime minister must be Muslims. However, minority religious groups--Ahmadis, Hindus, Christians, and Parsis (Zoroastrians)--have held high office and are active in the political and social life of the country. They do not vote in Muslim constituencies, but rather must seek office and cast their ballots in at-large constituencies reserved for them in the National and Provincial Assemblies. (Ahmadis, disputing their minority status and claiming to be Muslims, have refused to exercise these options.) Each community is governed by its own codes in family and property matters, and members of minority groups may join any political party.

Generally, minorities can practice their own religion openly, maintain links with their coreligionists in other countries, and travel for religious purposes. Foreign clergy may enter the country to serve congregations. Conversions are permitted, but the Government prohibits proselytizing among Muslims and has refused to renew the residence permits of some foreign missionaries who have ignored this ban. In October Parliament passed legislation making blaspheming the Prophet Muhammad a capital offense, but thus far no one has been brought to trial under this act. There were scattered acts of violence against Hindus and Christians, but these were not sanctioned by the Government.

PAKISTAN

The Ahmadi Sect, which considers itself Muslim despite theological divergences from traditional Islam, has historically been the object of popular prejudice and discrimination; anti-Ahmadi riots in 1953, in fact, helped spark the imposition of Pakistan's first martial law. In 1974 the Zulfikar Ali Bhutto regime, with the support of all parties, sponsored a constitutional amendment declaring the Ahmadis a non-Muslim minority. In April 1984, the Government issued a follow-up ordinance which bans the Ahmadis from using Muslim terminology or proselytizing; violators can be subject to prosecution.

Ahmadis assert that they are indeed Muslims, and many members of the sect were detained in 1986 for wearing badges bearing the Islamic profession of faith. Most were released, but several were tried, convicted, and received prison sentences. Ahmadi places of worship, which may not legally be called mosques, were also the object of mob attack, with little or no action by local authorities to uphold the law. Ahmadis charge that police colluded in some attacks. In Sind, several Ahmadis were murdered by unknown assailants, and Ahmadi spokesmen assert that the Government has not made a real effort to apprehend the murderers. (The case of four Ahmadis under sentence of death is discussed in Section 1.e.)

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Pakistanis generally have freedom of movement within the country. However, the Government occasionally bans individual political leaders from traveling to certain provinces for a specified time through use of an "externment" notice, preventing entry; in August, PPP leader Benazir Bhutto was prevented from going to Lahore for the planned Independence Day rally.

Pakistanis are generally free also to travel abroad. However, travel to Israel and South Africa is prohibited, travel to the Soviet Union and Eastern Europe is restricted, and the passports of opposition party leaders occasionally limit travel to one or a few countries.

Pakistanis must obtain a "no-objection" certificate--usually a check covering payment of taxes or other obligations--prior to departing the country. These are issued routinely, but occasionally opposition politicians have complained of undue delays. In November 1986, authorities refused a leader of the Sind Baluch Pukhtoon Front permission to leave the country. The right of citizens to return to Pakistan is recognized.

Nearly 3 million Afghans have fled to Pakistan as a result of the Soviet invasion of Afghanistan. The Government administers and supports over 300 Afghan refugee camps, and bears the inland transport cost of relief supplies provided by various donors. The movement and employment of Afghans in Pakistan generally is not restricted. Afghans may reside outside the refugee camps, but leaving the camps frequently results in a loss of government assistance.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

A martial law regime led by General Zia Ul-Haq governed Pakistan from July 1977 to December 30, 1985. Zia interpreted the results of a referendum held in December 1984 as an

endorsement of his rule and in March 1985 was sworn in for a 5-year term as President. In February 1985, the Government held nonparty elections for a national and four provincial assemblies. Protesting the nonparty format, most of the opposition parties called for a boycott of the polls. Individual party members stood for election on a nonparty basis, however, and the voters ignored the boycott call. The turnout (53 percent for the National Assembly and 58 percent for the Provincial Assemblies) more than matched historic norms, and many observers concede that there was little fraud.

In May 1985, Mohammad Khan Junejo was nominated Prime Minister by President Zia and confirmed by a vote of confidence in the National Assembly. He heads the Government and is assisted by a Cabinet composed of members of Parliament. Similarly, the provincial governments are headed by Chief Ministers, also drawn from the Pakistan Muslim League, which has majorities in all assemblies. They too are assisted by cabinets composed of their fellow legislators. Pakistan is a member of the International Parliamentary Union.

Members of the legislative assemblies have immunity for actions and speech in those chambers but no general immunity. Two members were arrested in 1986; one for inciting to riot farmers resisting the destruction of opium fields, the other for possessing explosives. The second case had political overtones. This delegate represented Karachi's Bihari refugee community and was demanding that the Government more swiftly repatriate Biharis still in Bangladesh and help them resettle in Pakistan. His arrest occurred during a period of anti-Bihari rioting.

With the end of martial law, restrictions on the formation of parties were lifted. A majority of members in the National Assembly joined together to reestablish the Pakistan Muslim League, and elected Prime Minister Junejo as party chairman. Several religious parties have small representations in Parliament. The remaining members are independents.

Under the Political Parties Act amended by Parliament in 1986, members of the national and provincial assemblies who have designated a party affiliation cannot switch to another party without resigning their seat. This provision has been criticized as unconstitutional and is being challenged in court.

Political parties may operate without registering with the Government, but they must register with the Election Commission in order to participate in elections. This includes making financial records available for scrutiny and holding internal party elections. Although they have submitted their accounts, the PPP and a number of the other extraparliamentary opposition parties have declined to register, asserting that these provisions could be manipulated to suppress or impair their parties.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic human rights organizations, including those affiliated with opposition parties, operate free of official harassment, and their reports receive extensive coverage in the privately owned press. The press has also satirized police brutality, including alleged maltreatment of opposition politicians.

PAKISTAN

Pakistan has allowed visits by individuals affiliated with Amnesty International, the Lawyers Committee for Human Rights, Freedom House, and other international human rights organizations, but has not facilitated their investigations nor responded to critical reports they have issued.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Twenty seats in the National Assembly are reserved for women, and two women were elected to nonreserved seats in 1985 in their own right. Islamic traditionalists, however, still exert a powerful influence on Pakistan social norms. It is accepted practice to assign women a subordinate role in terms of civil, political, and individual rights. Many Pakistanis interpret the Koran's injunctions on modesty to mean that women should remain either at home or behind the veil.

These attitudes have contributed to an officially reported adult female literacy rate of only 16 percent, compared to 36 percent for males (1985 estimates, which are generally regarded as high by informed observers). The primary school enrollment ratio was only 33 percent for girls as compared to 64 percent for boys. The ratio of men to women in secondary educational institutions, according to 1983 Pakistan statistics, was better than five to one. Eight times as many men as women work outside the home, and those women who do work or attend school usually do so in separate facilities.

Urban women are represented in the universities, but postgraduate employment opportunities remain largely limited to teaching, medical services, and the law, with a small number of women entering the commercial and public sector. The Government's policy of "Islamization" has reversed some of the social and legal gains made by women in past years. Women may not participate in international athletic competition, and, as part of a drive to promote wearing traditional garb by both men and women, the Government determines appropriate dress for women employees appearing in public on television, in the print media, and as airline stewardesses.

While several members of minorities are prominent within the National Assembly or public life, reports of discrimination against minority groups in the areas of employment and education appear well founded. In 1986 there were scattered acts of mob violence against Ahmadis, Hindus, and Christians. These were not sanctioned by government authorities, which acted to suppress the outbursts and punish the perpetrators.

Officially designated as "non-Muslims," Ahmadis are subject to widespread discrimination and harassment and have limited chances for advancement in the public sector. Reportedly, government offices have distributed circulars requesting the names of Ahmadi employees, and some persons have been expelled from the military because of their membership in the sect. Ahmadi youth complain of increasing difficulty in gaining admittance to good colleges. (See also Section 2.c.)

An element in all cases of discrimination is the fact that socially prominent Pakistanis suffer less at the hands of officialdom than those less well-off, partly because of their ability to return favors or offer inducements to appropriate civil servants and partly because of the general deference still accorded social "betters" in Pakistan society. Although the original caste distinctions common to South Asian societies

have no legally binding force, clan affiliations and ethnic identities, which in some ways parallel the old caste system, still help or hinder those seeking education, employment, justice, and public office.

CONDITIONS OF LABOR

Pakistan law sets minimum wages for skilled and unskilled labor. Comprehensive health and safety legislation provides for inspection of the workplace to insure compliance with health, safety, and workmen's compensation regulations. Although not widely observed, the law requires that no adult shall work more than 9 hours without payment of overtime, and that no worker shall work more than 10 hours overtime per week.

Child labor is widespread in Pakistan, despite laws stating that the employment of children under the age of 15 is illegal, and that those between 15 and 17 may not work more than 5 hours per day. The Government has had institutions in place to administer these labor regulations since independence. Nevertheless, lack of resources, indifference, corruption, and illiteracy hamper the application of labor legislation. Noncompliance is widespread, and punishments for infractions are rarely meted out.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: PAKISTAN

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	307.4	339.2	266.8
LOANS.....	122.5	139.1	71.0
GRANTS.....	184.9	200.1	195.8
A.AID	225.0	250.0	263.4
LOANS.....	75.0	83.0	71.0
GRANTS.....	150.0	167.0	192.4
(SEC.SUPP.ASSIST.)...	225.0	200.0	239.3
B.FOOD FOR PEACE.....	79.0	86.2	0.0
LOANS.....	47.5	56.1	0.0
GRANTS.....	31.5	30.1	0.0
TITLE I-TOTAL.....	47.5	56.1	0.0
REPAY. IN $-LOANS.....	47.5	56.1	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	31.5	30.1	0.0
E.RELIEF.EC.DEV & WFP.	31.5	30.1	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	3.4	3.0	3.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	3.4	3.0	3.4
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	3.4	3.0	3.4
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	300.8	326.0	311.9
LOANS.....	300.0	325.0	311.0
GRANTS.....	0.8	1.0	0.9
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	300.0	325.0	311.0
C.INTL MIL.ED.TRNG....	0.8	1.0	0.9
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	608.2	665.2	578.7
LOANS.....	422.5	464.1	382.0
GRANTS.....	185.7	201.1	196.7
OTHER US LOANS.....	66.9	0.0	0.0
EX-IM BANK LOANS.....	66.9	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	656.0	1101.2	1267.1	7742.3
IBRD	131.5	433.0	473.0	2043.3
IFC	25.3	39.9	7.2	248.7
IDA	174.5	245.3	177.2	2400.0
IDB	0.0	0.0	0.0	0.0
ADB	312.1	375.0	609.7	2755.3
AFDB	0.0	0.0	0.0	0.0
UNDP	12.6	8.0	0.0	149.9
OTHER-UN	0.0	0.0	0.0	145.1
EEC	0.0	0.0	0.0	0.0

QATAR

Qatar, a small, wealthy Persian Gulf state ruled by an amir from the Al Thani family, is governed by a 1970 Basic Law, which institutionalizes the customs and social mores of Qatar's conservative Wahhabi Muslim heritage. These include respect for the sanctity of private property, freedom from arbitrary arrest and imprisonment, and protection against transgressions of Islamic law (the Shari'a). Thus, although the Amir holds nearly absolute power, he must exercise authority with care. While he may, for example, suspend any secular law or countermand any civil court decision, he is unlikely to do so, especially without consulting his Council of Ministers and the Advisory Council of Notables that assist him in making policy decisions. The Amir is also unlikely to reach any major decision without achieving a consensus within his family.

Qatar's economy is not expanding as rapidly as it did during the 1970's and early 1980's. The economy is mixed, with the State owning and operating most basic industries and services while retail trade and the construction industry remain in private hands. Its fast developing industrial infrastructure has led to the creation of a ratio of expatriates to nationals of almost four to one. Limiting the influence and controlling the activities of expatriates are for most Qataris a major national goal. Qatari resentment against expatriates makes them likelier than nationals to be the victims of arbitrary police action. It is also difficult for an alien to take legal action against a citizen. The economic downturn of 1983-86 has given added strength to the Government's policy of reducing the number of expatriates. This policy, however, is administered with a degree of compassion. Palestinians, for example, have not been forced to leave unless they can make arrangements to settle elsewhere, a possibility which is facilitated by substantial severance payments. However, because of the current economic, social, and political conditions in Qatar, the Palestinian community is not as successful as it was in the past. Expatriates from South Asia have not been so lucky, since their numbers continue to drop while expatriates from other regions, some of whom are unemployed, are allowed to remain. In this conservative society, women remain in a subordinate position, with a number of restrictions on their activities.

The human rights situation in Qatar is changing very slowly. There are many factors against change--not the least being the absence of any credible internal threat to the regime. So long as the Government feels secure, major innovation is likely to occur only as the result of a consensus within the ruling and other leading families.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no known instances of political killings.

b. Disappearance

There were no reports of disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Although non-European expatriates routinely complain of maltreatment after their arrest by Qatari authorities, the practice does not seem to have official sanction. Torture is not condoned by the authorities and, although the Government does administer most of the corporal punishments prescribed by the Shari'a, it no longer allows physical mutilation. Executions rarely occur. Prison conditions are uncomfortable but adequate. Family members and friends may bring food to supplement the monotonous prison fare as well as small luxuries and mail. There have been private allegations of overcrowded and unsanitary conditions in the women's prison.

d. Arbitrary Arrest, Detention, or Exile

As a general rule, the authorities must charge suspects before a competent court within 48 hours. In most cases involving expatriates, the police have promptly notified the appropriate consular representative. Suspects detained in security cases are generally not afforded their rights. An expatriate arrested in 1983 in a security case was never formally charged and was held under house arrest for over a year. Involuntary exile remains a rare practice. The last known major exile took place over 10 years ago. It involved the previous deposed amir, his family, and close supporters. Expatriate offenders are normally deported upon completion of their sentences. During the flareup of the boundary dispute between Qatar and Bahrain in 1986, the Government of Qatar seized 29 foreign workers from the Fasht al-Dibal reef on April 26 and denied the British Embassy consular access until April 30.

There is no forced labor.

e. Denial of Fair Public Trial

Except for security cases, most disputes are judged before either a civil or Shari'a court. Most commercial litigation involving expatriates takes place before the civil courts. The Shari'a courts administer criminal and family law and may, if one party requests, take jurisdiction in business cases. Although the judiciary is nominally independent, most judges are expatriates holding residence permits granted by the civil authorities and thus hold their positions at the Government's pleasure.

Many expatriates find proceedings in the Shari'a courts bewildering. Only the disputing parties, their relatives and associates, and witnesses are allowed in the courtroom. Lawyers may not play any formal role, save that of preparing litigants for their cases. Although non-Arabic speakers are provided with translators, foreigners report being at a considerable disadvantage, especially in cases involving the nonperformance of contracts. Shari'a trials are normally brief. After both parties have stated their cases and examined witnesses, the judge is likely to deliver a verdict with only a short delay. Criminal cases are normally tried 2 to 3 months after suspects are detained.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Traditional attitudes regarding the sanctity of the home provide a great deal of protection against arbitrary intrusions. Except in security cases or emergencies, the police must normally obtain a warrant before searching a residence or business. There were reports in past years that police conducted many searches of expatriate homes without warrants but these were not repeated in 1986. Police routinely monitor the communications of criminal and security suspects. Mail thought to contain either pornography or drugs is also opened as a matter of course.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although both expatriates and Qataris are free to say what they wish privately, public criticism of the ruling family and its policies is not tolerated. The Government strongly discourages attacks on other Arab governments as well. This policy applies to the electronic media, which are government owned and controlled, and to the press. The journalistic community, particularly the expatriates, generally avoids challenging these restrictions because of the risk of having residence permits cancelled.

The authorities routinely screen all video cassettes, audio tapes, books, and periodicals for objectionable political sentiments and pornography.

b. Freedom of Peaceful Assembly and Association

The Government allows private social, sports, trade, professional, and artistic societies to operate. The activities of these organizations, which must register with the Government, are closely watched.

Government policy does not allow political parties or demonstrations.

In practice, the Government does not allow labor unions or collective bargaining by employees.

c. Freedom of Religion

Qatar's state religion is Islam, the Koran is its basic constitution, and the Shari'a its legal code. All other faiths are prohibited public worship; they may not proselytize. Apostasy from Islam remains a capital crime, although no one has been executed for it in recent memory. The Government tolerates the private practice of non-Muslim religions; non-Muslim parents may raise their children in their own faiths, and private gatherings of non-Muslims may worship in private homes.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on internal travel. Male Qataris travel abroad at will. Females, both Qatari and foreign, usually require the permission of a male guardian or relative to leave the country. All Qatari citizens have the right to

return. Foreigners are subject to immigration restrictions designed to control the local labor pool. They require a local sponsor to enter Qatar and the sponsor's permission to depart. The Government has no formal policy on refugees. Those attempting to enter illegally, including defectors from nearby countries, are denied entry. Often refugees who can get local sponsorship or employment may enter. If they lose their jobs, however, they are expected to leave. During the past year the Government has tightened its policy of discouraging Qatari males from marrying foreign-born (primarily Western) women by refusing to issue residency permits to those wives. In several instances, a foreign-born wife lives in another country, where she is visited by her Qatari husband because she is denied entry into Qatar. In another development in 1986, the Government withdrew the Qatari passports from some of its citizens of Iranian ancestry. This policy amounts to involuntary repatriation to Iran since the victims of the policy have been informed by the Government that they are Iranians even though they had been naturalized and issued Qatari passports.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Qatar's political institutions blend the characteristics of a traditional Bedouin tribal state and of a modern bureaucracy. There are no political parties, elections, or organized opposition to the Government, and the Amir exercises all executive and legislative powers. His autocratic rule, however, is checked to some extent by entrenched local customs. Interlocking family networks and the recognized right of citizens to submit appeals or petitions personally to the Amir provide effective, if informal, avenues for redress of grievances and also serve to limit abuses. The custom of rule by consensus leads to extensive consultations between the Amir, leading merchants, religious leaders, and other notables on important policies. Women for the most part play no role in public life.

Under Qatar's Basic Law of 1970, the amir must be chosen from and by the adult males of the Al Thani family. The current Amir, Khalifa bin Hamad, has designated his son Hamad as heir apparent. This took place with the consent of the notables and religious leaders according to established custom. There are no serious challenges to this arrangement, and in the foreseeable future effective political power will remain in the hands of the Amir, his family, and the local notables.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No major international or nongovernmental organizations monitoring human rights abuses have asked to investigate conditions in Qatar. The Qatari Government has expressed concern over the plight of Palestinian, Lebanese, and Afghan refugees.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Women and their activities are still bound by a number of

social customs and quasi-legal restrictions such as veiling and prohibitions against the issuance of driver's licenses. While women remain largely relegated to the roles of mother and homemaker, some are now finding jobs in education, medicine, and the news media. However, they do not as a rule receive the overseas university scholarships available for males. While their employment is tolerated in such fields as nursing, teaching, and home economics, expansion beyond these areas is discouraged. Public life is a male sphere. Expatriate women find it easier to get jobs or to own and manage a business than their Qatari counterparts. There are signs that, as more Qatari women receive education, they will press for a relaxation of some of the restrictions from their country's tribal past.

CONDITIONS OF LABOR

The minimum working age is 18 years, but expatriate children frequently work at younger ages in small businesses and shops. Some regulations concerning worker safety and health exist, but enforcement is infrequent. There is no minimum wage in Qatar, and most workers spend less than 48 hours per week on the job.

SAUDI ARABIA

Saudi Arabia is a traditional, Arab, and Islamic monarchy ruled by the sons of its founder, the late King Abd Al-Aziz (known in the West as "Ibn Saud"). There is no written national constitution.

By convention, the King and Crown Prince have been chosen from among the sons of Abd Al-Aziz, who themselves have preponderant influence in the choice. Senior religious scholars and other princes also have a voice. The King serves as Prime Minister. Officials from the highest levels down maintain contact with citizens by holding open-door audiences ("majlis") regularly. Saudis from all social strata attend these meetings to seek redress of grievances which is frequently granted. There are no elected assemblies or political parties. Nonreligious public assembly and demonstrations are not permitted. Non-Muslim public worship is banned. The legitimacy of the regime rests to a large degree on its perceived adherence to the defense of Islam, particularly the austere Hanbali School of Islamic Jurisprudence. Rulers and ruled share a respect for laws believed to be divinely inspired as well as ancient customs which call for consensus in government, internal social cohesion, and economic private enterprise. Social and religious custom mandate strict separation of the sexes outside the home, greatly limiting job or career possibilities for women.

During the past 30 years, massive oil revenues have transformed Saudi Arabia's centuries-old pastoral, agricultural, and commercial economy. This transformation has been marked by rapid urbanization, large-scale infrastructure development, government subsidies to entrepreneurs and consumers, the emergence of a technocratic middle class, and the presence of almost 3.4 million foreign workers in a population of about 11 million. With the exception of the oil sector, economic activity and resources have largely remained in private hands.

No major new developments affected human rights in 1986. The Iran-Iraq war, the basic ideological enmity of the Iranian revolution toward Saudi Arabia, the lingering memory of antiregime disturbances in 1979 and 1980, terrorist incidents as well as discoveries of foreign-supported subversive activities in the Gulf States have forced the Saudi authorities to remain highly vigilant regarding internal security. There were several reports of mistreatment of prisoners in 1986.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no known political killings.

b. Disappearance

Disappearances at the hands of official agents are unknown.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

SAUDI ARABIA

Government policy prohibits torture. Some punishments meted out under Islamic Shari'a law include amputation with anesthetic, beheading, execution by a firing squad, and stoning (with the convicted individual in a drugged state). There were some reports in 1986 of the police beating detainees to elicit confessions, which in the absence of witnesses are usually required for conviction in Shari'a courts. There were reports from a provincial prison of beatings administered indiscriminately to members of one particular nationality, as a reprisal for the escape of several prisoners of the same nationality. Two Saudi prisoners reportedly died in a General Directorate of Investigation prison in 1986, and reportedly the officials responsible have been removed. There have also been credible allegations of solitary confinement. Members of the Committee for the Propagation of Virtue and Prevention of Vice (Mutawwi'in) have the legal right to detain suspects for supposed infractions of Muslim strictures up to 48 hours before turning them over to the regular authorities. On occasion, the Embassy has formally protested Mutawwi'in actions to the Saudi Government, including one case in 1986.

Prison conditions are not intentionally degrading. Conditions in some provincial correctional institutions are, however, severe. Prisoners sometimes suffer heat stroke and have complained of difficulty in obtaining adequate medical treatment. Prisoner abuse does not appear to be an expression of policy but a result of negligence on the part of relatively low-level officials.

In accordance with Shari'a law, Saudi Arabia imposes capital punishment for the crimes of premeditated murder, adultery, apostasy from Islam, and, depending upon the circumstances, rape and armed robbery. The Interior Minister and Cassation Courts review all cases in which capital punishment has been imposed. The King must approve all such sentences. The number of death sentences declined in 1986 (to 18 in the first 9 months of 1986 from 34 in the same period of 1985). Beheading is the usual method of execution. Death by firing squad or stoning may be imposed for adultery. Despite severe social disapproval of adultery and the requirement of a confession or testimony by four eyewitnesses for conviction, at least one Saudi man was stoned for adultery in 1986. A recidivist thief may suffer severance of a hand. In the first 9 months of 1986, 1 Saudi and 6 foreign nationals lost hands, all for burglary-related offenses. For less severe crimes, such as drunkenness or publicly flaunting Islamic precepts, flogging with a cane is often imposed. Public flogging is intended to humiliate the criminal and serve as a deterrent to others. The skin is not broken, and the flogging, though it is painful and leaves welts, is administered with a bent elbow.

d. Arbitrary Arrest, Detention, or Exile

There were several dozen arbitrary arrests and imprisonments of Shi'a in the Eastern Province during 1986. There is no automatic, prompt procedure for contacting a detainee's family or employer, though, in cases involving foreigners, Saudi authorities acknowledge that they have the obligation to do so. When asked, the police will almost always confirm an arrest. Shari'a law makes no provision for bail or habeas corpus. Prisoners may be held for months while an investigation proceeds before being either charged or released. Regulations issued by the Interior Ministry in 1983 to eliminate lengthy pretrial detentions or detentions without

charge are frequently unenforced. On the other hand, the Board of Grievances, an independent judicial body empowered to investigate citizens' complaints against official abuse, has used authority granted to it in 1983 to become an effective if slow avenue of redress for citizens and private corporations against state institutions, public sector companies, and government officials accused of malfeasance, nonfeasance, bias, or corruption.

Embassies usually hear about arrests of their nationals informally within a few days or weeks but are rarely notified officially in less than several months; police authorities frequently do not allow consular access early in the investigative phase. Once an arrest or detention has come to the attention of a foreign embassy through unofficial sources, however, Saudi police will eventually accord consular access to prisoners. There is a distinction between detainees held by the regular police and the General Directorate of Investigations (GDI), i.e., the security service of the Ministry of Interior. GDI prisoners are regularly held incommunicado. The Embassy strongly protested one such detention involving an American to the authorities in 1986. The total number of individuals affected is unknown. The Government does not use forced labor or exile as a form of punishment.

e. Denial of Fair Public Trial

The judicial system is founded upon the Shari'a. Shari'a courts exercise jurisdiction over common criminal cases and civil suits regarding marriage, divorce, child custody, and inheritance of real or personal property. Trials are generally closed and are normally held without counsel, though the advice of Islamic lawyers is available before trial. In the Shari'a court the defendant appears before a judge who determines guilt or innocence and, if warranted, imposes the appropriate punishment. Appeals against judges' decisions are automatically reviewed by the Justice Ministry or, in more serious cases, by the Supreme Judicial Council to ensure that court procedure was correct and that the judge applied appropriate Shari'a principles and punishments. Counsel is not permitted in the court itself, but lawyers may act as interpreters for those unfamiliar with Arabic. With rare exceptions, there is no consular access to foreign nationals' trials.

The independence of the judiciary is ensured by law and respected in practice. The Justice Ministry is responsible for the appointment, transfer, and promotion of judges. Judges may be disciplined or removed only by the Supreme Judicial Council, an independent body of senior jurists. The Supreme Judicial Council has investigated and removed corrupt judges to allow prosecution and imprisonment.

Specialized labor and commercial courts decide cases on the basis of decrees issued by the Council of Ministers and regulations issued pursuant to those decrees. The Commercial Courts' effectiveness is vitiated by frequent serious delays in reaching decisions and practical difficulties in enforcing judgments reached. The military justice system has jurisdiction over uniformed personnel and civilian government employees charged with violations of military regulations. Decisions of courts martial are reviewed by the King and the Minister of Defense and Aviation. The Board of Grievances arbitrates claims against the State. The President and Vice

President of the Board are experienced jurists. They are aided by board members expert in administrative, contract, corruption, civil service, and forgery legislation. The President is responsible directly to the King, and the members of the board are guaranteed considerable independence. The board has on occasion used powers granted by a 1983 decree to call erring officials to account.

There were no reports of prisoners formally sentenced for political offenses.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Among the most fundamental of Islamic precepts are the sanctity of family life and the inviolability of the home. The police must generally demonstrate reasonable cause and obtain permission from the provincial governor before searching a private home, but warrants are not required. The Mutawwi'in may enter homes to search for evidence of un-Islamic behavior when they have grounds for suspicion, but instances of this appear to be exceedingly rare. Wiretapping and mail surveillance can be carried out on the authority of officials of the Interior Ministry or the Directorate of Intelligence. Informants are reliably reported to be employed in internal security matters.

Some social and religious norms and strictures affecting personal life are matters of law and enforced by the Government. Saudi women may not marry non-Saudis without government permission. Saudi men must obtain approval to marry women from countries other than the six members of the Gulf Cooperation Council. During Ramadan, the prohibition against public eating, drinking, or smoking during daylight hours is enforced on Muslims and non-Muslims alike. Prohibitions against alcohol and pornography are strictly enforced. The Mutawwi'in patrol the streets and markets to assure Islamic decorum in dress and demeanor as well as the closing of shops during the five daily prayer periods.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Criticism of Islam and the ruling family is not allowed. The potential presence of informers renders public criticism of the regime rare. In private, complaints are expressed relatively freely. Saudis are, however, able to voice complaints and to seek redress of grievances through the open-door audiences which are held regularly by even the highest officials.

The press is privately owned. It is effectively controlled by a 1982 media policy statement and the firm understanding that nothing embarrassing to the Government, ruling family, or religious leadership may be published. The media policy statement enjoins the press to uphold Islam, oppose atheism, promote Arab interests, preserve the cultural heritage of Saudi Arabia, and combat human rights violations. Newspapers receive guidelines issued by the Information Ministry on government positions on controversial political issues.

Editors-in-chief are appointed with the tacit approval of the Information Minister, and the Government has the power to have them removed. Saudi television and radio are state-owned and

operated. Besides entertainment, their basic aim is to project and gain public support for official policies and views, with the corollary that conflicting viewpoints are not presented. A new educational channel is planned for the near future. Foreign news is increasingly presented objectively, as, for example, in press and electronic media coverage of the Mubarak-Peres summit in Alexandria, the hijacking of an American plane in Karachi, and the bombing of a synagogue in Istanbul. Foreign publications circulate but are rigorously censored for materials deemed immoral or critical of Saudi policies and actions. A photograph in the International Herald Tribune of Prince Andrew kissing his new bride was censored, as was a crucifix in a photograph of the Pope at Easter.

Academic freedom is constrained by similar guidelines; the study of Freud and Marx, art, and philosophy, for example, is forbidden. Professors commonly believe that classroom comments which would be taken as antiregime will be reported to the authorities. The Ministry of Higher Education recently issued an injunction against the study of music and art in educational institutions, including universities. There has nevertheless been an increase in art, dance, and sculpture outside these institutions, as evidenced by classes sponsored by the Saudi Arabian Society for Culture and Arts, an association whose chief holds ministerial rank.

b. Freedom of Peaceful Assembly and Association

Public demonstrations as a means of political expression or to present grievances are prohibited. Tribal, familial, and economic interest groups informally aggregate public opinion, which their leaders express to high officials. Nonpolitical clubs and professional groups may be organized with the permission of the authorities. One particularly active philanthropic women's club was disbanded in 1986 for unspecified reasons. The few existing professional bodies are permitted but not encouraged to maintain contacts with their recognized international counterparts. Government decrees prohibit labor unions and strikes. Collective bargaining is unknown.

c. Freedom of Religion

Islam is the official religion. All Saudis must be Muslim. Apostasy is a crime, and proselytizing by non-Muslims is illegal. The Saudis scrupulously uphold the Islamic injunction that all Muslims have a responsiblity to make a pilgrimage, or Hajj, to Mecca, and all Muslims are welcome to visit the holy places. Travel to these places by non-Muslims is illegal. Political activities by pilgrims are banned.

The Shi'a Muslims of the Eastern Province, usually estimated at 250,000-400,000 persons, constitute a religious minority subject to social and economic discrimination. In the wake of the Iranian revolution, they have been periodically subjected to surveillance and limitations on travel abroad. Some have been arrested without charge and detained, occasionally for months. For security reasons, the Government does not permit Shi'a public processions to mark Ashura, the holiest of the exclusively Shi'a holidays. The Shi'a are free to adjudicate exclusively intra-Shi'a disputes within their own legal tradition, but Shi'a judges receive no stipend or salary from the Government. Likewise the Government provides no financial support for the Shi'a religious establishment and does not

permit the construction of Shi'a mosques. In recent years the authorities have made efforts to redress the Shi'a complaints about the economic underdevelopment of their areas. Still, most Shi'a continue to live under conditions notably poorer than those of their Sunni compatriots.

Non-Muslim religious services are not permitted, and non-Islamic religious materials are illegal. Foreign nationals may practice their religions only in private. Large gatherings or elaborate organizational structures are likely to attract official attention and lead to the deportation of their leaders. There have been instances in which private services, discovered and brought to the attention of the authorities, have been broken up and those conducting them arrested, interrogated, and deported.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Saudis may travel freely anywhere within the country. Passports are issued by the Interior Ministry. Male Saudis may travel abroad freely. In the case of government officials, the permission of the Royal Diwan is required but apparently is normally perfunctory. Women must obtain prior permission from their closest male relative before being allowed to leave the country. The passports of suspected subversives have occasionally been seized. Shi'a are generally prohibited from traveling to Iran. Detection of such travel by Saudi authorities is followed by interrogation. Shi'a known to have pro-Khomeini sympathies may not be allowed to travel abroad. Saudis are permitted to emigrate and assume foreign nationality. This results in the loss of Saudi nationality. Citizenship is not revoked for political reasons.

There is no formal policy regarding refugees or granting asylum. Refugees and displaced persons are in most cases dealt with like all other foreign workers. Anyone seeking residence in the Kingdom, except Yemenis, must meet strictly enforced requirements of sponsorship and employment. There are over 250,000 foreigners who fled their native countries, primarily Palestinians, Lebanese, Eritreans, Afghans, and South Yemenis. These individuals generally receive no special treatment, privileges, or services. Reportedly, individual Saudis (frequently members of the ruling family) permanently sponsor such individuals to enable them to remain in Saudi Arabia, permitting them to find work where they may. In a small number of cases, sponsors reportedly have charged fees to such persons for providing documentation required by the Government. There are hardly any Saudi refugees outside the country. A few Shi'a are thought to have fled the country to avoid arrest.

Foreigners living in Saudi Arabia, except for Yemenis, are required to carry identification cards. They are not permitted to travel outside the city of their employment or to change their workplace without their sponsor's permission. Foreign national employees are not permitted to travel abroad without their sponsor's permission since sponsors hold their passports and are responsible for obtaining exit visas for them. Foreigners involved in commercial disputes are often not allowed to leave the country until the problem has been resolved. Sponsors have taken advantage of this arrangement at times to exert unfair pressure to resolve commercial disputes in their favor and occasionally have been able to

prevent foreign nationals from departing Saudi Arabia for long periods. The Ministry of Commerce issued new procedural guidelines in 1986, but it is still unclear whether they will help ameliorate this problem. In criminal cases, Saudi regulations require that the passports of all potential suspects and witnesses be seized. This has sometimes forced foreign nationals to remain in Saudi Arabia for lengthy periods. One U.S. citizen was detained for over a year as a material witness in an investigation in which he was only tangentially involved.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The King rules the country in matters secular and religious, within limits established by religious law, tradition, and by the need to maintain consensus among the ruling family and religious leaders. The King's legitimacy is based upon his descent, his selection by consensus, his propagation of the tenets of Islam, and his perceived concern for the welfare of the nation. The King, who is also the Prime Minister, appoints the Crown Prince in consultation with the other senior members of the ruling family. The Crown Prince serves as First Deputy Prime Minister. The King appoints all other Ministers, who in turn appoint subordinate officials with cabinet concurrence. There are no elected officials in Saudi Arabia. (The only elections appear to be businessmen's elections of two-thirds or more of the board members of the quasi-official Saudi Chambers of Commerce and Industry.) Likewise, political parties are not permitted, and there are no known organized opposition groups.

Traditionally, public opinion has been expressed through client-patron relationships and interest groups such as tribes, families, and professional hierarchies. The open-door audience (majlis) remains the primary forum for the expression of opinion or grievance. Anyone may attend these sessions which all important officials hold regularly and openly. (Since the assassination of King Faisal during a majlis in 1975, however, kings have reduced the frequency of their personal contacts with the public.) Typical topics raised in a majlis are complaints about bureaucratic dilatoriness or insensitivity, requests for redress or assistance, and criticism of particular acts of government affecting personal or family welfare. Broader "political" concerns--Saudi social, economic, or foreign policy--are not considered appropriate and are seldom raised. Either the King or the Crown Prince meets with religious leaders at least once a week.

This relaxed, but institutionalized, consultative means of ascertaining public opinion has limitations. Participation by women in the process is severely restricted. Rural-urban migration has weakened tribal and familial links. Citizens are not directly able to change policies or officials through the majlis system, which is largely a forum in which grievances are aired and favors sought. As governmental functions have become increasingly complex, time-consuming, and centralized in Riyadh, direct access to senior officials has decreased. The creation of a Consultative Council to serve as a means of consultation between rulers and ruled has been under consideration for many years. No steps toward its implementation are known to have been taken in 1986.

SAUDI ARABIA

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no reports that international or nongovernmental organizations sought to investigate alleged violations of human rights during 1986. There are no human rights groups in Saudi Arabia. In international forums, Saudi representatives regularly protest violations of human rights of Palestinians, Afghans, Eritreans, and Muslim minorities in several countries, including Bulgaria.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Women do not enjoy equality with men. By Koranic precept, a daughter's share of an inheritance is less than that of her brother. Women must demonstrate legally specified grounds for divorce, but men may divorce without grounds. In Shari'a court the testimony of one man equals that of two women. Women may not drive motor vehicles, and there are restrictions on their use of public facilities when men are present. By custom, women do not travel alone. They are restricted to specially designated sections on urban buses. Women may travel abroad only with the written permission of their nearest male relative. Employment opportunities for Saudi women either in the civil service or with public corporations are extremely limited. In practice their employment is largely restricted to the teaching and health care professions. In public, women are required to dress with extreme modesty. Free but segregated education through the university level is now available to Saudi women. The number of civil service jobs open to women (in segregated offices) has increased recently. Polygamy is becoming less common, particularly among younger Saudis.

The large expatriate work force does not, for the most part, receive the same economic and social benefits available to native Saudis and must conform to the restrictive Saudi social standards. The poorest of these foreign nationals, almost 3 million Yemenis, Africans, and Asians, live under conditions significantly more harsh than those of the Saudi urban classes.

Saudi Shi'a face discrimination in government employment, especially in jobs with national security implications, and some limitations on their access to social services, despite government efforts to improve the social service infrastructure in predominantly Shi'a areas of the country.

CONDITIONS OF LABOR

The 1969 Saudi labor law requires employers to protect workers from job-related hazards and disease. Labor Ministry inspectors and the labor courts are seeking with some success to enforce the labor code, but foreign nationals report frequent failures to enforce health and safety standards. Saudi authorities have reportedly enjoyed greater success in enforcing contract terms and working hours. Saudi labor law establishes a maximum 48 hour workweek at regular pay and allows employers to require up to 12 additional hours of overtime at time and a half. Employees may volunteer for additional overtime. There is no legal minimum wage. The labor law provides, however, that minimum wages may be set by the Council of Ministers on the recommendation of the Minister of Labor. The effective minimum is the amount required to

induce foreign laborers to come to work in Saudi Arabia.

There is no minimum age for those employed in agriculture, family enterprises, private homes, or repair of agricultural machinery. Adolescents (ages 15 to 18), juveniles (under 15), and women may not be employed in hazardous or harmful industries, such as mines or industries employing power-operated machinery. In other cases, the labor law provides for a minimum age of 13, which may be waived by the Ministry of Labor in certain areas with the consent of the juvenile's guardian. Child labor does not appear to be a significant problem in Saudi Arabia.

Saudi Arabia has a generous social security program for which most foreign workers are eligible on the same basis as Saudis. Some foreign workers, particularly those in unskilled positions such as lower-level construction workers and housemaids, are exploited due to their ignorance of the labor code, inability to understand Arabic, lack of written contracts, or fear of retribution from their employers. Such labor problems, however, can be settled in labor courts, which have the reputation of being reasonably fast and fair. In 1986 the Government increased its authority over recalcitrant employers through a written code that permits it to attach assets.

SRI LANKA

Sri Lanka is a multiparty democracy. Its Constitution, adopted in 1978, provides for a strong executive president who is independent of the unicameral parliament. Both are elected by universal adult suffrage, with members of parliament to be selected in future general elections on the basis of a system of proportional representation. The Constitution also provides for an independent judiciary and the rule of law. When the 1978 Constitution came into effect, the then-Prime Minister and leader of the ruling United National Party (UNP), J.R. Jayewardene, became President. He was returned to office in an election in 1982.

A developing country, Sri Lanka has achieved a high quality of life despite low per capita income which in 1985 was only $372. Tea exports are Sri Lanka's largest source of foreign exchange earnings. Approximately 60 percent of Sri Lanka's productive capacity is state owned or controlled.

The two largest ethnic groups in Sri Lanka are the Sinhalese (74 percent) and the Tamils (18 percent). A growing conviction among Tamils that they do not enjoy political rights equal to those of the Sinhalese majority led some political leaders and frustrated Tamil youths to conclude, by the mid-1970's, that separation of the Tamil-majority areas of the island into an independent Tamil state or "Eelam" was the only solution. The political leaders renamed their party the Tamil United Liberation Front (TULF) and contested the 1977 elections on a platform of independence, winning all 14 seats in the heavily Tamil Northern Province and 2 seats in the Eastern Province, which has a sizable Tamil population. A number of Tamil youths formed militant groups which turned to armed struggle and terrorism as a way of attaining Eelam.

TULF members lost their seats in Parliament in 1983 when, rather than comply with a new legal requirement to swear allegiance to a unitary Sri Lanka, they left Parliament and did not return within the required 60 days. Since bi-elections to fill these seats have been postponed due to the unsettled security situation in the north and east, Tamils living in those constituencies are now without representatives in Parliament. Currently three Tamils from the UNP are members of Parliament, all of them also serving as cabinet ministers.

The TULF has participated in various inconclusive and unsuccessful rounds of negotiations with the Government for a political resolution of Tamil grievances. The militant Tamil groups have refused to enter the negotiations, depending instead on armed insurgency to attain their goal of a Tamil homeland. In June 1986, President Jayewardene announced new proposals aimed at restoring communal peace, and a new round of negotiations between the Government and the TULF, with the assistance of the Government of India, commenced soon afterwards. By the end of the year, the negotiations had reached a crucial stage with the Tamil demand for the merger of the Tamil majority areas of the Northern and Eastern Provinces being a principal obstacle to a settlement.

The military conflict between the Government and Tamil militant separatists has steadily spread and intensified since the communal incidents of July 1983, despite efforts to reach a negotiated settlement. There is substantial, credible evidence that both the Tamil militants and the government security forces have been responsible for human rights abuses, including indiscriminate attacks on civilians.

SRI LANKA

Basic human rights are guaranteed to Sri Lankan citizens by the Constitution and affirmed by the Government. Significant human rights violations continued to be reported during 1986. Critics cited the Government's failure to vigorously prosecute those accused of human rights abuses as a major cause of continuing violations. The Government, in affirming its support for Constitutional guarantees, has stated that it has investigated allegations of human rights violations but the absence of evidence has hindered its efforts to prosecute those accused.

As in 1985, critics continued to accuse government security forces and police of human rights violations. The Government did attempt to improve training and discipline within the reportedly expanding security forces during the past year, but its efforts have proved disappointing. Overall, military personnel reportedly increased by 70 percent from 1985 to 1986 and the number of part-time militiamen, known as "home guards," reportedly doubled. The increasingly Sinhalese composition of the expanded security forces and police has probably contributed to human rights problems. The enlisted ranks of the armed services are now virtually 100 percent Sinhalese. A considerable number of Tamils were once found in the police, and as recently as 1984 the Senior police officer was a Tamil. By 1985 no more than 5 percent of police personnel were Tamils and the police Special Task Force (STF), which is charged with counterinsurgency operations, is now 100 percent Sinhalese. The STF and the home guards, in particular, were both accused of attacks on civilians during 1986, and government forces, for the first time, resorted to aerial bombing and strafing which resulted in civilian casualties.

In 1986 Tamil militants continued to attack both civilian and military targets. The militants bombed civilian targets in the south and in Colombo and killed Sinhalese villagers in the north and east. Several bombings in May and June resulted in over 250 civilian casualties. Tamil militant groups fought among themselves several times. In the Northern Province, where the Tamil militants have largely taken over civil administration, a number of civilians who refused to cooperate have been kidnaped and killed.

During 1986 some traditional rights remained restricted as a result of laws enacted earlier to deal with the continuing insurgency. The Prevention of Terrorism Act (PTA) and the regulations under the State of Emergency give the security forces broad powers to arrest and detain. The courts tried and convicted hundreds of detainees held under the PTA and emergency regulations in 1986; two were acquitted.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

The number of deaths from politically motivated violence arising from the ethnic insurgency rose still higher in 1986. According to the Government, over 2,000 people were killed; of this total, over 200 were members of the security forces, about 1,000 were alleged members of the Tamil militant groups and 700 were noncombatants killed by the militants. Of the 700 civilian deaths, 170 were Tamils, 190 were Sinhalese,

and 40 were Muslims; over 300 were unidentified. The Government has acknowledged its difficulties in collecting information in disputed areas due to the breakdown of civil administration. One nongovernment source estimated the death toll for 1986 to be nearly 2,700. Most of the deaths occurred in the north and east, the scene of most of the clashes in 1986 between government forces and Tamil militants. Civilians were also killed in Colombo and other areas in the south as a result of a series of Tamil militant bombings.

Government and militant forces both appeared responsible for significant numbers of noncombatant deaths. Government security forces opened fire in civilian areas following hit-and-run insurgent attacks or land mine explosions and launched air strikes or mortar shellings in densely populated areas, particularly in the Jaffna peninsula. Tamil insurgents bombed and mined transportation facilities and public buildings, attacked Sinhalese villagers living in areas considered by separatists as constituting part of the Tamil homeland, and executed suspected government informants or sympathizers.

Among the most significant alleged incidents in 1986 involving the security forces were the following: On January 25 in the Northern Kilinochchi District, following a series of clashes between soldiers and insurgents, an enlisted man reportedly went berserk and killed 10 Tamil civilians at the train station. According to another, nongovernmental, version of the incident, the train station killings were the work of a group of soldiers, not of a deranged individual. The Government responded by transferring the accused enlisted man to Colombo and keeping him under observation. On February 19 at Lahugala in eastern Sri Lanka, the Government reported that its security forces killed 40 Tamil insurgents. Other reports of the incident alleged that the security forces shot as many as 103 local farmers and burned the remains. Two separate government inquiries into the Lahugala incident concluded that the security forces had not exceeded their authority. On June 10, military personnel on a small island off the Jaffna peninsula were shot at and returned fire; 30 Tamil fishermen in the vicinity were reported killed in the crossfire. Other reports allege that the security forces deliberately killed the fishermen. On July 17, soldiers in a village south of Trincomalee killed 37 people whom the Government identified as terrorists. Other reports of this incident allege that the security forces shot Tamil refugees near the site of an earlier land mine blast which killed more than two dozen soldiers. On September 18, a car bomb in Batticaloa exploded, wounding several policemen. According to a government press statement, 12 people near the blast were killed in the cross fire between police and the militants. According to other accounts, the policemen, unopposed by Tamil militants, opened fire on nearby civilians.

A new tactic of the security forces in 1986 was the use of air force attacks against insurgents in heavily populated areas. Some reports allege that as many as 50 Tamil civilians in Jaffna may have been killed as a result of these attacks in the first half of the year. Tamil militants and government security forces sometimes exchanged mortar fire in populated areas, also resulting in civilian casualties.

As in previous years, in the few instances in which investigations revealed that the security forces acted improperly, the Government maintained that it was unable to

obtain adequate evidence to prosecute. Generally, the Government dealt with misbehavior administratively, a policy which many observers believe does little to deter wrongdoers. The Government said that there were far fewer reports of misbehavior by the security forces in 1986. Accordingly, whereas 200 members of the security forces were "discharged with ignominy" in 1983 and 4 were similarly discharged in 1985, no members of the security forces were discharged for misbehavior in 1986 and no courts martial were held.

Tamil militants continued their practice of attacking government security forces and public infrastructure such as rail lines, electric grids, and roads and bridges. The militants also mounted a campaign of bomb and land mine attacks on civilian targets in the Sinhalese-majority south. Included in this campaign, which peaked in May and June, was the May 3 planting of an explosive on an Air Lanka Tristar, resulting in the death of 17 people, including a number of foreign tourists; a May 7 bombing of the central telegraph office in Colombo in which 12 people were killed; a bombing on May 30 at a Colombo bottling plant which killed 11; and the bombings of 2 large public buses on June 25, which killed 22 people. In December two bombs believed to have been planted by Tamil militants were discovered at a Colombo power station before they could explode.

The insurgents also attacked Sinhalese farms and villages in an effort to drive residents from what the insurgents consider to be traditional Tamil areas. Almost all of these attacks occurred in the vicinity of Trincomalee on the east coast, an area of relative ethnic heterogeneity. On May 11, and again on May 18, Tamil guerrillas struck the village of Morewewa, killing 17 Sinhalese civilians. Insurgents also launched a string of attacks on Sinhalese villages near Trincomalee May 23-25, killing at least 32 Sinhalese civilians. As many as 100 Sinhalese civilians may have been killed in similar attacks.

Another Tamil militant practice in 1986, continued from previous years, was the execution on lamp posts of suspected informers. There were an estimated 80 to 120 "lamp-post killings" during 1986. Perhaps the most prominent of the lamp-post victims in 1986 was the widely respected Jaffna leader of the Sri Lankan rural self-help development organization, Sarvodaya--himself a Tamil--who was killed by Tamil militants in Jaffna on September 26.

Increasingly in 1986, the various Tamil militant groups fought with each other as they struggled for control over parts of the north and east. This internecine warfare peaked in May, when members of one group, the Liberation Tigers of Tamil Eelam (LTTE), killed 150 to 170 members of a rival group, the Tamil Eelam Liberation Organization (TELO) in Jaffna. In December the LTTE attacked camps of the Eelam People's Revolutionary Liberation Front (EPRLF), reportedly killing at least 50 EPRLF members.

b. Disappearance

Amnesty International (AI) published a special report in September on disappearances in Sri Lanka. Most of the 272 disappearance cases cited in the report date from 1983-1985, and involve persons who were living in the north and north central part of Sri Lanka when they disappeared.

SRI LANKA

There were more reports of disappearances in 1986, primarily in the Eastern Province.

Due to the deterioration of security conditions and civil administration in the areas where most of the disappearances have taken place, the Government has found it difficult to investigate. The Government criticized the AI report because it is based on affidavits which have not been subjected to cross-examination in court and denied the general thrust of the report, which is that many of the "disappeared" were arrested by government security forces and died while in custody. The Government suggested that many of the "disappeared" may have left the country, joined the Tamil militant groups, or are in detention centers under assumed names, making them difficult to trace. It challenged those concerned to file habeas corpus proceedings on behalf of those who allegedly had disappeared. At year's end, 20 such cases had been filed and were pending.

According to government statistics, 108 Sri Lankans were kidnaped by the Tamil militants in 1986. The Government believes that most of those abducted were killed by the militants.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment.

The Constitution guarantees that "no person shall be subjected to torture, cruel, inhuman, or degrading treatment or punishment," and in 1982 the Government submitted to the U.N. a unilateral declaration opposing the use of torture. However, there have been persistent reports that the military and police have tortured or mistreated persons detained under the Prevention of Terrorism Act and the emergency regulations.

In 1986 a group of Tamil prisoners at Welikade prison, who previously had been held in a large, overcrowded detention center at Bussa in the south, wrote an open letter describing the poor conditions and mistreatment which they had suffered there and called for an impartial investigation. Government investigators who checked on conditions at Bussa found no evidence of mistreatment of prisoners and found the prison conditions generally acceptable. They criticized the sanitary conditions, however, and prison authorities have been instructed to make improvements. Also in 1986, the Government initiated a rehabilitation program to provide vocational training for prisoners.

The Government has stated that it does not condone torture of detainees or prisoners, adding that it has been unable to investigate charges of torture since the various allegations generally do not identify individual victims. There have been no convictions of police officers accused of causing physical harm to persons in custody.

d. Arbitrary Arrest, Detention, or Exile.

The Constitution stipulates that no person "shall be arrested except according to procedure established by law" and that an arrested person must be informed of the reason for his arrest. Within 24 hours, an arrested person must be brought before a magistrate who may authorize bail or, for serious crimes, continued detention. A suspect may be detained up to 3 months without bail, or longer if a court so rules.

SRI LANKA

There are exceptions to the normal rules for a person detained under the emergency regulations or the Prevention of Terrorism Act. Under the State of Emergency, first declared in May 1983 and renewed monthly by Parliament since then, the President reissues the emergency regulations by gazette notification each month. The regulations give extraordinary powers to the police to use preventive detention on persons suspected of planning to commit offenses or to arrest individuals suspected of having committed a wide variety of crimes. Detainees under these emergency regulations can be held for up to 90 days on orders of the Attorney General, after which time the suspect must be produced before a magistrate. The magistrate is not empowered to investigate the case, but under the regulations he "shall" remand the detainee to a prison, where he can be held indefinitely. Bail may be granted at the discretion of the Government.

The Prevention of Terrorism Act (PTA) provides that any person arrested under this law must be produced before a magistrate within 3 days unless the Minister of National Security orders the suspect to be detained for a period of 3 months. Such an order may be renewed for a period of up to 18 months. The terms of detention are set out in this order; detainees do not have the same rights as other prisoners regarding visits by family, access to lawyers, food, and other conditions of incarceration.

The PTA and emergency regulations were used extensively in 1986 to detain large numbers of persons, mostly Tamil youths, from the north and east and Sinhalese allegedly belonging to radical political groups. Some Sri Lankans allege that between 3,000 and 5,000 detainees are being held under the PTA and emergency regulations. The Government has said that 2,526 persons were in detention under these laws at year's end, 67 under the emergency regulations and the rest under the PTA. The Government said 67 detainees were Sinhalese and the rest were Tamils. The Government stated that 126 detainees had been enrolled in the Government's new rehabilitation program. As in 1985, there were reports of several persons who had been held without charges longer than the 18 months legally permissible under the PTA.

In 1986 the security forces continued their practice of rounding up young men in areas of suspected Tamil militant infiltration. Many of those taken into custody are held for short periods for questioning and released. Those not released are taken to detention facilities. Relatives may write to the Ministry of Defense and ask that the case of their family member be reviewed. The review is conducted by a three-man advisory board which considers the evidence, interviews the police and the detainee, and makes a recommendation. Although it frequently takes several months for cases to be reviewed, many reviews have led to a recommendation of immediate release.

Unless a review of the detention is requested, detainees can remain for long periods without being charged or informed of the provision of law under which they have been detained. It is not unusual for detainees to be held incommunicado and, especially for PTA detainees, to be denied ready access to their attorneys. Bail may be granted at the sole discretion of the Attorney General's office.

Persons may challenge the legality of their detention either by filing a suit in the High Court, or in the Supreme Court by

charging the Government with illegal violation of a person's fundamental rights as they are enumerated in the Constitution. Some observers claim these legal remedies are time-consuming, expensive, and beyond the means of the average detainee, limiting their effectiveness. Fundamental rights suits, for example, must be prepared and filed with the Supreme Court within 30 days of the alleged first violation of fundamental rights, a requirement with which it is often difficult for detainees to comply. Relatives of persons arrested under the PTA or the emergency regulations have initiated legal challenges several times in recent years. In no instance where the courts inquired into the detention and subsequent disappearance of a suspect detained under these measures have the results been publicly released.

There is no forced labor in Sri Lanka, but criminals may be sentenced to "rigorous imprisonment" (hard labor) under which they are required to work.

e. Denial of Fair Public Trial

Generally speaking, an accused person is entitled to a fair trial in open court, is represented by counsel of his choice, and is informed of the charges and evidence against him. Accused persons tried in the High Court are provided an attorney if they need one, but no attorney is provided by the Government for defendants tried in other courts.

Although public trial by jury is the custom, juries are not provided in trials under the PTA on the grounds that jury members could be intimidated. Like others convicted of crimes under Sri Lanka's laws, those convicted of violations under the PTA or the emergency regulations have the right of appeal, although attorneys are not provided at public expense for cases in the Appeals and Supreme Courts.

The independence of the judiciary is constitutionally guaranteed. The Chief Justice is a Tamil. He and all judges of the Supreme Court, Courts of Appeal, and High Courts are appointed by the President. The Chief Justice and two Supreme Court judges comprise a judicial service commission which appoints, transfers, and dismisses all lower court judges.

In the northern Jaffna peninsula, the judicial system has virtually ceased to function due to intimidation by the Tamil militants. Outside the Jaffna peninsula, Sri Lanka's judiciary demonstrated its independence in 1986 by handing down acquittals in two well-publicized cases of detainees who had been held under the PTA and the emergency regulations. In one case, the Government chose not to appeal the acquittal. In the other case, concerning Father Aparnam Singarayar, the Tamil Catholic priest accused in February 1983 of two counts of withholding information from the police, the Government has decided to appeal the acquittal on the first charge. The trial on the second charge was under way at year's end.

Hundreds of PTA detainees were brought to trial during 1986. Virtually all of the detainees had been held for long periods. Most were sentenced to short prison terms in exchange for guilty pleas to lesser charges, thus obviating the need for lengthy trials.

However, in many cases, such as that of the Tamil student Ramanujam Manikkalingam, there have been long delays on the government side in completing its investigation and preparing

charges. Manikkalingam, arrested under the PTA in March, had not been charged 9 months later.

Estimates of the number of political prisoners vary widely. Sri Lankan human rights activists, counting only those convicted under the PTA and currently serving prison sentences, estimate that there are 30 political prisoners. If less restrictive definitions are used, the number could be much higher.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

The Government respects individual privacy and the sanctity of the family and the home. The judiciary has a good record of upholding rights to privacy in those cases which reach a High Court. Ordinarily, search and arrest warrants are required in order to enter private premises. Under the PTA, however, police officers above a certain rank and less senior officers authorized by them in writing may, without a warrant, enter and search any premises and seize "any document or thing" when there is a presumption or evidence of support for, or involvement with, unlawful activity. Critics claim that police and military personnel often enter the homes of Tamils without cause. Monitoring of telephones is not known to be a common practice, despite allegations by some critics of the Government that it taps their telephone lines.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.

The Constitution guarantees "freedom of speech and expression including publication," but it also permits these guarantees to be restricted "as may be prescribed by law in the interests of national security."

In contrast with the previous year, there was no formal press censorship in Sri Lanka in 1986. Although the Government controls the country's largest newspaper chain and owns the radio and television services, a variety of independent newspapers and journals provide a full range of viewpoints on foreign policy and most domestic matters. Many small circulation periodicals published by opposition political parties operate in an unrestricted manner.

Foreign and Sri Lanka-based journalists generally encountered fewer difficulties in 1986 than in 1985, when journalists' work was screened before visas were issued. However, in 1986 the Government penalized one foreign journalist for reporting it considered too pro-Tamil by refusing to renew his visa and requiring his departure.

Sri Lankans are generally free to express their views in private but may be prosecuted under the emergency regulations for making certain kinds of remarks in public. A Canadian citizen of Sri Lankan descent, the chairman of the Citizens Committee of the town of Kalmunai who had been charged with sedition under the emergency regulations for repeating to a foreign journalist information he had given to the police about an alleged atrocity by government security forces, was tried and acquitted of the charge in 1986. Also in 1986, there were hundreds of arrests of alleged members of a proscribed political party, the revolutionary Marxist Janatha Vimukti Peramuna (JVP), in southern Sri Lanka for alleged

disruptive activities, including antigovernment public statements.

Academic freedom is generally respected. Responding to student boycotts and other disruptive activities, the Government closed affected universities for short periods. Generally, however, 1986 was a year of relative student peace.

b. Freedom of Peaceful Assembly and Association

The Constitution guarantees freedom of assembly and association and the right to form and join trade unions. Sri Lanka has an abundance of private associations, devoted to the promotion of business, professional, educational, religious, charitable, and humanitarian causes, which are free to maintain ties with international bodies. However, there are a few restrictions on free assembly and association. One leftist political party, the JVP, has been proscribed since 1983.

Under the emergency regulations, the President (or his designee) is empowered to prohibit public meetings which would be "likely to cause a disturbance to public order or promote disaffection." In practice, the police issue permits for outdoor, public meetings or processions, and special permission is required for use of a loudspeaker. The question of whether to issue a permit is left to the discretion of the Superintendent or Assistant Superintendent of an area, who may refuse a permit if he anticipates a breach of peace.

Worker rights are recognized and protected by law. Any seven workers may form a union, draw up their own procedures, elect their own representatives, and formulate programs. Workers are expressly granted the right to bargain collectively. When workers and employers are not able to resolve a dispute, there is an arbitration system which involves Labor Department officers. These officers are stationed throughout the country to assure that employers fulfill their legal and contractual obligations to workers and to be available for arbitration in minor local disputes.

Excepting public service employees, workers are free to strike in Sri Lanka and have done so frequently. Under the emergency regulations, the President may declare any business to be an essential service, making a strike illegal. During 1986, the Government used this power to terminate strikes or other job actions several times. In the case of public service employees as well as workers in "essential services," the Government generally agreed to discuss grievances with a labor representative.

About 1,000 labor unions and federations together represent about one-third of the 5.5 million-strong labor force; 80 percent of the organized work force are in the plantations. Workers in the nonplantation agricultural sector and most of those employed in small businesses, as well as workers in the free trade zone, are not represented by unions. Employees in the zone participate in labor-management company associations. Although there are a few independent unions, most of the largest worker organizations are affiliated with political parties, frequently operate as arms of those parties, and play a significant role in the political process. Despite constraints arising from their political affiliations, Sri Lankan unions have been effective in improving conditions for workers. Many unions maintain ties with international labor federations and trade secretariats.

SRI LANKA

c. Freedom of Religion

Although the Constitution establishes Buddhism as the official religion and requires the Government "to protect and foster" it, it also guarantees the right of all Hindus, Muslims, and Christians to practice their religions freely. Most members of the majority Sinhalese ethnic group are Buddhists, while most Tamils are Hindu. There are Christians from both groups.

Two cabinet ministers are assigned the additional portfolios of Minister of Muslim Affairs and Minister of Hindu Affairs to deal with issues involving those minority religions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution guarantees every citizen "freedom of movement and of choosing his residence within Sri Lanka" and "freedom to return to Sri Lanka." These guarantees are generally honored. The present Government removed exit visa requirements imposed by its predecessor and now permits virtually unimpeded emigration and foreign travel. Many Sri Lankans have taken advantage of this policy to seek jobs abroad. According to some estimates, there were 180,000 Sri Lankans working abroad in 1986.

Some Sri Lankans, predominantly young male Tamils, have sought refugee status or political asylum abroad on the grounds that they are members of a persecuted minority. Despite the freedom to return cited in the Constitution, in 1986 there were a few cases of returning Tamils being arrested on arrival and detained for days while authorities checked their records for adverse information.

Sri Lanka is not a signatory of the U.N. Convention Relating to the Status of Refugees.

Refugees or displaced persons from other countries are generally denied entry to Sri Lanka. The Government does not permit refugees to stay in the country even while they are seeking permanent residence elsewhere. The few prospective Afghan refugees who have come to Sri Lanka have been forced to live in the transit lounge at the international airport for as long as it took--sometimes several months--for U.N. officials to locate a recipient country.

Due to concern that Tamil militants were frequently crossing from southern India to northern Sri Lanka via the Palk Straits, the Government adopted a series of measures in 1984 which progressively restricted freedom of movement in that area. Expanding the maritime surveillance zone imposed in April 1984, in November of that year the Government announced a prohibited zone along some 200 miles of Sri Lanka's northern coastline. It also imposed a security zone in the entire Jaffna peninsula. These measures considerably restricted free movement and made it virtually impossible for the large number of fishermen in that area to earn their livelihood. Although these restrictions were relaxed somewhat in 1985, throughout 1986 they remained technically in effect under the emergency regulations.

As a result of these various restrictions as well as the fear of becoming involved in the spreading communal violence, in 1986 many Sri Lankans joined the ranks of displaced persons from previous years. According to some estimates, 125,000 Sri

SRI LANKA

Lankans had sought refuge in India as of late 1986. An additional 97,000 persons had been displaced from their homes and were living with relatives or in camps in Sri Lanka by the end of the year. Of these displaced persons, two-thirds were Tamil and one-third Sinhalese.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Sri Lanka is an open, working, multiparty democracy. Citizens enjoy universal adult suffrage, and voter turnout is generally over 80 percent. Traditionally, the UNP and the other major political party, the Sri Lanka Freedom Party (SLFP), both of which draw their following mainly from the Sinhalese majority community, have alternated in forming governments. The current UNP Government came to power in the general elections of 1977, gaining 51 percent of the popular vote and 83 percent of the seats in Parliament. The UNP government formulated a new Constitution, adopted by Parliament in 1978, which established the office of a directly elected executive president and provided for a proportional representation system in future parliamentary general elections.

J.R. Jayewardene became the first President under the 1978 Constitution and was returned to office in the presidential election of 1982, gaining 53 percent of the popular vote. The general elections to Parliament due in 1983 were not held. Instead, citizens went to the polls in a referendum held in December 1982 to vote on a constitutional amendment to extend the term of the 1977 Parliament from 6 to 12 years. Restrictions were imposed on the activities of opposition parties during the referendum campaign, and some voting irregularities were reported. The amendment was approved with 54.5 percent of the votes and Parliament's term now runs until 1989. UNP candidates have won most of the by-elections since 1977, but the SLFP candidate won the single by-election held in 1986. President Jayewardene's United National Party now holds 138 out of 153 occupied seats in the legislature.

Sri Lanka's political parties represent a variety of political views. Most opposition parties function freely, several operate their own newspapers, and the activities of their leaders are covered by the media. However, one party, the extreme leftist Janatha Vimukti Peramuna (JVP), has been proscribed since 1983 for alleged involvement in communal riots. In addition, the civic rights of the leader of the SLFP, Mrs. Sirimavo Bandaranaike, were suspended for 7 years from 1980 on the grounds that she exceeded her authority during her tenure as Prime Minister from 1970-1977. President Jayewardene pardoned her on January 1, 1986.

Tamils, who comprise approximately 18 percent of the country's population, are primarily represented by two parties. The Tamil United Liberation Front (TULF) claims to speak for the Ceylon Tamils resident in the north and east, and the Ceylon Workers Congress (CWC), which is also a trade union, represents the Indian Tamils. The President of the CWC serves as a minister in the present Government.

Indian Tamils, who make up about one-third of the country's Tamil population, are descended from the Tamils who were brought from India in the 19th century to work on the plantations. They do not qualify for Indian citizenship under Indian law and were denied citizenship under Sri Lankan law at independence. Under agreements between the Sri Lankan and

SRI LANKA

Indian governments in 1964 and 1967 to address the problem of the stateless Indian Tamils, many were repatriated to India or granted Sri Lankan citizenship. However, after these agreements lapsed in 1981, there were at least 150,000 stateless Indian Tamils remaining. In January 1986, the Sri Lankan Government announced that it would grant citizenship to all remaining stateless Indian Tamils, and administrative processes to complete the procedure were under way at year's end.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is sensitive to adverse reports on its human rights situation but generally does not interfere with investigations. Senior government officials frequently make themselves available to visitors looking into human rights issues.

The International Committee of the Red Cross (ICRC) renewed its offer to the Government, as it has for a number of years, to provide relief assistance and to visit detainees held under the Emergency Regulations and the PTA. The Government at year's end had not accepted the ICRC offer.

Several local nongovernmental organizations monitor human rights in Sri Lanka. They collect information from families of victims or members of citizens' committees near the site of alleged incidents. Their periodic reports and appeals for change, however, are generally not addressed by the Government. Some attorneys represent defendants pro bono in those human rights cases which reach the courts. In February 1986, the Legal Aid Society was founded to provide assistance to detainees under the PTA or emergency regulations who are unable to afford the cost of legal services.

In 1986 the Government established a new human rights commission, charged with monitoring the human rights situation and investigating allegations of discrimination. The findings of the new commission will not be legally binding, nor is it empowered to advocate redress for victims of discrimination. The Commission is intended to function as an ombudsman and is scheduled to commence operations in January 1987.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Sri Lankans are ethnically and religiously diverse: 74 percent are Sinhalese, mostly Buddhist; 18 percent are Tamils, predominantly Hindus; 7 percent are Muslims of varying ethnic origins; the remainder consist of Malays, some descendants of European colonists, and a small number of aborigines, the Veddahs. Of the Tamil population, two-thirds are so-called "Ceylon Tamils" whose presence on the island dates back many centuries. The rest are "Indian Tamils," whose forebears were recruited in India during the last century to work on the tea plantations.

Under the British Colonial Administration prior to 1948, Ceylon Tamils held a disproportionate share of influential positions in government service, the police, the professions, and commerce. With independence, Sinhalese political leaders sought to redress what their community regarded as an imbalance in favor of Ceylon Tamils; typical of their efforts

was the so-called "Sinhala-only" act of 1956 which made Sinhalese the sole official language of the country. For Tamils, the act stood for government-sanctioned discrimination against them.

In the Constitution of 1978, Tamil was designated a "national" language and its use in government, education, and the courts is specifically protected in the Constitution. Nevertheless, Tamils have charged that these legal protections are not enforced. Members of the Tamil ethnic community charge that they suffer from systematic discrimination in competition for university entrance, employment opportunities, and other matters under government control.

Members of virtually all of Sri Lanka's ethnic minorities occupy prominent positions in all walks of public and private life, but since independence the Sinhalese majority has steadily strengthened its relative position of influence in most sectors of society. Sinhalese government officials have denied charges of discrimination against Tamils, pointing out that several prominent Tamils occupy a number of senior-level civil service positions. In November 1986, a Tamil army officer was appointed Chief of Staff of the Sri Lankan Army. However, many of these Tamils are approaching retirement age and there appear to be fewer Tamils in the lower ranks of the civil service and military to take their places.

Following the May-June series of bombings by Tamil militants of civilian targets in the south, many Tamil employees of the affected institutions as well as 200 Tamil employees of the two television stations were either temporarily furloughed or transferred for security reasons. Most of those furloughed were subsequently called back to work.

Religious differences generally are not a basis for discrimination. Sri Lankans of every faith are free to maintain links with coreligionists in other countries, as well as to undertake religious travel.

Sri Lankan women have equal rights under the law, including equal property and inheritance rights. The various ethnic and religious groups have their own strictures, however, which place some limitations on women. Some Tamil families believe their women members should not be seen working in public. Some Muslim women are discouraged by members of their community from seeking higher education or employment. Some women fill important posts in the civil service, the professions, and business, but the majority are found in manual and semiskilled jobs and in the home. Women vote in large numbers but otherwise play a more limited role than men in the political process. There are currently six women members of Parliament, including one woman minister of cabinet rank. Sri Lanka had the world's first woman Prime Minister.

CONDITIONS OF LABOR

Under Sri Lankan labor laws, employment of children under age 12 is prohibited. Those between age 12 and 14 are called child workers and may not be employed in industry or dangerous occupations; employment of young persons between the ages of 15 and 18 is subject to certain restrictions. Employees under age 18 cannot be required to work outside of specified hours. In addition, employers are required to provide annual leave, rest periods, and meal breaks. In practice, however, there is a child work force, probably numbering at least several

thousand, which works illegally in Sri Lanka, mostly at jobs in rice cultivation, as domestics, or as street peddlers. Efforts to address this problem have been hampered by the fact that, in some cases, child workers are a major source of family income.

There is no minimum wage, but wage boards for 34 different trades set minimum wages and working conditions. Actual wages and working conditions generally exceed these minimums. Most permanent, full-time workers are covered by laws which provide that they shall work no more than 45 hours per week, no more than 9 hours per day, or no more than 5-1/2 days per week, and that they will receive a 14-day paid holiday annually. Minimum conditions for the protection of safety and health of workers are set forth in legislation passed by Parliament and implemented by the Department of Labour, which employs a staff of engineers and inspectors for this purpose. The Department also educates workers about minimum standards for different workplaces and encourages the use of safety equipment such as earplugs. Workers in the unorganized agricultural sector are not covered by labor laws, although the Government may investigate individual complaints.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SRI LANKA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	75.5	67.4	25.9
LOANS.....	59.7	44.8	10.8
GRANTS.....	15.8	22.6	15.1
A.AID	44.7	35.2	25.2
LOANS.....	34.7	18.8	10.8
GRANTS.....	10.0	16.4	14.4
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	30.4	31.7	0.0
LOANS.....	25.0	26.0	0.0
GRANTS.....	5.4	5.7	0.0
TITLE I-TOTAL.....	25.0	26.0	0.0
REPAY. IN $-LOANS.....	25.0	26.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	5.4	5.7	0.0
E.RELIEF.EC.DEV & WFP.	0.4	1.8	0.0
VOL.RELIEF AGENCY.....	5.0	3.9	0.0
C.OTHER ECON. ASSIST...	0.4	0.5	0.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.4	0.5	0.7
PEACE CORPS.....	0.4	0.5	0.7
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.1	0.1	0.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.1	0.2
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.1	0.1	0.2
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	75.6	67.5	26.1
LOANS.....	59.7	44.8	10.8
GRANTS.....	15.9	22.7	15.3
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	93.0	210.9	127.0	1655.8
IBRD	12.1	62.0	0.0	190.2
IFC	0.1	4.0	0.0	43.5
IDA	55.0	72.0	85.0	870.3
IDB	0.0	0.0	0.0	0.0
ADB	20.7	68.4	42.0	450.3
AFDB	0.0	0.0	0.0	0.0
UNDP	5.1	4.5	0.0	80.4
OTHER-UN	0.0	0.0	0.0	21.1
EEC	0.0	0.0	0.0	0.0

SYRIA

Although Syria is nominally a representative democracy, President Hafiz al-Asad wields virtually absolute power and his Government remains a repressive dictatorship. The regime has not permitted other centers of government power, such as an independent judiciary or legislature, to develop, and it has at times resorted to brutality and forcible repression to insure its survival. At the same time, the Government has tried to provide for the basic needs of its people and it allows a certain amount of regional autonomy.

The ruling Ba'ath Party, with its emphasis on socialism and secular Arabism, gained ascendancy in 1963, but since then has become dominated by the military. In recent years, the party has served principally to legitimize Asad's rule. Although Ba'athism seeks to overcome sectarian and class consciousness by building a sense of national rather than ethnic identity, ethnic and regional allegiances remain important. Members of Asad's own sect, the Alawis, hold most of the important military and security positions and run many of the nationalized corporations.

Syria has been under emergency powers since 1963, with a hiatus in 1973-4. Martial law has been justified by the state of war with Israel and the threats of terrorist groups (Islamic fundamentalist, Iraqi, and Lebanese), who were blamed in 1986 for several bloody incidents of terrorism in Syria. The greatest internal terrorist wave occurred in 1980-1982 when the Muslim Brotherhood (Sunni Muslim fundamentalists) openly challenged the secular Ba'athist, Alawi-dominated regime. The Syrian Government suppressed this uprising in 1982 by encircling the Muslim Brotherhood stronghold of Hama and destroying most of the old city, killing thousands of people. The ferocity of that repression has succeeded in discouraging further widespread antiregime activity.

The central Government maintains an extensive security apparatus. Several main branches of the security services exist, and each is suspected of human rights violations.

Syria has a socialist economy. Although a private sector remains, most major enterprises are nationalized. The economy suffered a serious downturn in 1986. At the same time, the Government used its extensive police powers to exert even greater control over the economy and especially the flourishing black markets in currency exchange and imported goods. The new policies have created shortages, curtailed investment, and generated widespread frustration and anger.

There was little change in the overall human rights situation in 1986. Syria remained under the rule of a repressive dictatorship, and there were no signs of progress toward a freer political system or of greater respect for individual human rights.

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Political executions in Syria are typically a reaction to direct and violent threats to the regime. In 1986 there was an increase in terrorist incidents and a number of executions reportedly resulted. On March 13 and April 16, two large bombs were exploded in Damascus. There were also reports of

other bombs exploding in the coastal towns of Latakia, Tartous, and Banyas, and bombs were placed on several buses carrying Syrian military cadets. Arrests were made but the Government did not publicly identify the perpetrators or indicate what became of the persons arrested.

Amnesty International has documented the case of a member of the outlawed Party for Communist Action dying in captivity in April 1986 after beatings. The report states that medical evidence discovered later refuted the Government's assertion that the death was a suicide.

b. Disappearance

There have been credible reports over recent years that some Syrians arrested for security reasons have never been heard from again.

c. Torture and Cruel, Inhuman or Degrading Treatment or Punishment

Although the penal code prohibits torture and establishes severe penalties for such practices, there have been numerous credible reports of torture, primarily during arrest and interrogation. For example, according to an August 1986 Amnesty International report, "...security forces are routinely and systematically torturing detained political suspects."

Amnesty International has noted that methods of torture include pulling out fingernails, swinging detainees in a tire and lashing them with straight or barbed wire, and using electric shocks. Security forces often will arrest family members of a fugitive and detain or torture them until the fugitive surrenders to authorities. In 65 cases of detainment in 1986 that Amnesty International learned about, 20 persons seem to have been arrested principally because of their relationship to a fugitive or someone already held captive. There have been no reports of punishment of officials who engage in such practices.

Persons charged with or convicted of criminal offenses are held separately from those charged with security crimes. Conditions in prisons for ordinary criminals are adequate, and are better for foreigners than for Syrians. Meals are adequate, and provision is made for exercise. Much less is known about conditions in security prisons. No international groups are allowed access to detention facilities. Families are usually not allowed to visit security prisons.

d. Arbitrary Arrest, Detention, or Exile

The civilian legal code, modeled after French law, provides generally for due process, although it permits indefinite pretrial detention during the investigative process. Under the state of emergency, normal safeguards can be suspended, and a person may be held indefinitely without charge or trial, especially in security and political cases.

In cases involving security or political offenses, arrests are made secretly, with no legal restraints. The accused has no right to a judicial determination of the basis for pretrial detention, no redress for false arrest, and cannot be contacted by family or friends, who most often do not know where the accused is being held.

There does not appear to be any forced labor.

e. Denial of Fair Public Trial

Criminal cases with no political implications are conducted according to the French-based legal code. The defendant is detained provisionally upon the accusation of the public prosecutor, then remanded to a judge for arraignment, who may either free him on the basis of insufficient evidence or refer the case to a criminal court. Defendants are entitled to legal representation of their choice; if they cannot afford a lawyer, they will have one appointed by the court. Civilian courts impose no restrictions on lawyers in representing their clients, and allow the right of appeal. In noncontroversial criminal cases, the civilian courts are usually free of governmental coercion, although the Government can bring pressure to bear if it wishes to do so. The slow and cumbersome legal system can leave suspects languishing for months.

Persons charged with security or political offenses fall under the jurisdiction of the military courts or the state security court. Such persons have no say in the selection of a lawyer, who is chosen by the court. All court sessions are closed, and there are no official channels for obtaining information on the trial or sentencing, although relatives with influence in the Government may ultimately succeed in obtaining information and even effecting the release of the accused. Families without influence have no way to publicize prisoners' cases, and in any event would be too intimidated to do so.

The Government does not disseminate information on the number of persons detained for political or security offenses, but the number is probably significant. Some 20 Ba'ath Party and government officials have been under detention since 1970. According to unconfirmed press reports, as many as 150 military officers were arrested in 1982 in connection with a reported coup, and 60 were arrested in the summer of 1986 for the same reason. Reportedly, none has been released. Amnesty International documents 65 people detained in 1986 without charge, most of them apparently for their political views or membership in outlawed organizations. The majority are Palestinians, although a significant number are Syrians who allegedly have ties to the Party for Communist Action.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Intelligence organizations maintain a network of guards to protect officials and important buildings, as well as to monitor the activity of people living in nearby neighborhoods. The presence of police and security officials is pervasive, especially in Damascus. Some phone conversations are recorded. The postal system censors mail but does not check every letter or package. Although the legal system provides safeguards, including a requirement of an arrest and search warrant before police are allowed to enter private homes, regulations under the state of emergency suspend these protections in security-related cases.

Security checkpoints can be set up anywhere and no warrant for search or arrest is required at such checkpoints. Security forces are most concerned with terrorists and antiregime activity, but also search for smuggled goods.

SYRIA

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Public criticism of the Government, the Ba'ath Party, and related institutions is not permitted. The Government or the Ba'ath Party wholly own and operate all broadcast media and publishing houses and strictly control the dissemination of all information. Newspapers provide no medium for opposition opinion. The occasional criticism of government bodies or their operations is usually directed against minor administrative failings and corruption. Officials above the middle ranks are rarely criticized.

Imported printed material and films are subject to censorship, and articles about Syria are occasionally deleted from foreign magazines and newspapers before distribution. News material, as well as fictional and nonfictional literature, are sometimes banned if the content is considered overly critical of Syria. Films are often censored for a variety of reasons, such as an unfavorable interpretation of the Middle East conflict, sectarianism, or the use of actors or production companies targeted by the Arab boycott. Control is much stricter on material in Arabic.

Censorship of foreign and domestic news is exercised through offices in the Ministries of Culture and National Guidance and Information. In cases of censorship applied to foreign broadcasting, blackouts are usually applied for a limited time during crises when the Government controls the flow of information to the population.

Schools at all levels are government operated. Even the few church-run, private primary and secondary schools are required to follow the Ministry of Education's curriculum and are subject to regular inspection. Teachers are not permitted to express ideas contrary to government policy, although more freedom of expression is tolerated at the university level.

b. Freedom of Peaceful Assembly and Association

Public meetings, assemblies, or demonstrations can be held only with official permission, and usually at the instigation of the Government or the Ba'ath Party. Private societies, including religious groups, are allowed to meet if they have received governmental permission to organize. They are limited, however, to nonpolitical activities.

Professional organizations and labor unions function as dependent parts of the governmental apparatus and are primarily used to transmit instructions and information from the Syrian leadership. The unions have no political role and generally function only as a means of keeping the Government informed of grass-roots grievances and concerns. Strikes are forbidden by law. In 1986 there was a brief work stoppage by Damascus taxi drivers that was quickly curtailed after drivers were threatened with the loss of their licenses. Professional organizations have a somewhat greater voice in the Government, but they too are kept on a short leash.

In response to observations by the International Labor Organization (ILO), the Government is reported to have made efforts to bring its legislation into conformity with the Convention on Freedom of Association and Protection of the Right to Organize. In its 1985 report, however, the ILO's

Committee on the Application of Conventions and Recommendations stated that it hoped the Government would soon be in a position to report real progress in both its legislation and the application of the Convention.

c. Freedom of Religion

Although Syria is predominantly Sunni Muslim, the Constitution does not espouse a state religion. As a concession to Islamic fundamentalists, who object to Ba'athi secularism, the current regime amended the Constitution to require that the president be Muslim. Otherwise, there is no official preference given to one religion over another. Sunni Arabs constitute over two-thirds of the population. Many key positions in the Government, including the presidency, are controlled by members of the minority Alawi sect (10-12 percent of the population), which is considered heretical by some Islamic fundamentalists.

Ba'athi ideology and modernizing influences have diminished the primacy of religion and ethnicity, but individual Syrians continue to be identified by their communal associations. Non-Alawi groups, including the 3,000-4,000 members of the Jewish community, do have the freedom to practice their individual religions, but religious training, fund raising, construction, and the holding of all meetings except for worship are tightly restricted and sometimes banned. One exception to the official policy of religious tolerance is the treatment of Seventh-Day Adventists, who are forbidden to practice their religion or own church property.

Foreign missionaries are permitted in the country, although proselytizing is strictly forbidden. The publication of religious materials is subject to the same strict controls as secular material.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Internal travel is unrestricted except in the security zone of the Golan and close to the borders with Lebanon, Jordan, and Iraq. All citizens wishing to travel abroad must obtain passports and exit visas. Women continue to be required to gain permission from husbands or fathers before traveling. In theory, any Syrian can be required to post a bond which would be forfeited in case of nonreturn. Syrian Jews, however, are the only travelers routinely required to post such a bond, usually about $500. In recent years, Jews have found it somewhat easier to travel overseas, although an official ban on their emigration has continued and groups have been caught trying to emigrate illegally. The Government continues its policy of not issuing passports to all members of a Jewish family at the same time, although there have been some recent exceptions.

The Government generally forbids foreign travel for certain categories of citizens, e.g., persons liable for military service as well as pharmacists, architects, and engineers trained in Syria at public expense who have not yet completed their 5 years of obligatory government service. Those who attempt to travel illegally are subject to fines and detention. Frequent exceptions are granted for students who receive permission from the Foreign Ministry to continue higher studies abroad. Emigration is not discouraged for groups other than those mentioned above.

SYRIA

There are no formal restrictions on the repatriation of Syrian citizens, although political opponents of the regime are arrested if they return. There have been no reports of revocation of citizenship. The Government does not recognize renunciation of citizenship or the acquisition of another nationality.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Power in Syria resides with President Asad and his senior advisors. He and other members of the Alawi sect control many of the key positions in the Government, the Ba'ath Party, and the military and security forces. Popular participation in the political process is greatly limited. By law, the freely elected Parliament has precedence over the President's Cabinet but in fact acts as a rubber-stamp. Major policy initiatives normally take the form of presidential decrees and Ba'ath Party resolutions, which are later ratified by the Parliament. The Constitution guarantees that the Ba'ath Party is the leading political organization, while other parties are severely restricted. Many political parties, such as the Party for Communist Action, are outlawed.

In the last presidential election in 1985, Asad received 99 percent of the vote in which 99 percent of the electorate participated, according to government sources. There was no opposition candidate.

There is a certain degree of regional autonomy. Sheiks handle local tribal matters, the Druze in Jebal Druze have their own governorship, and the major city centers also exercise local control. Some nonthreatening ethnic groups, such as the Bedouin, are largely allowed to opt out of the system; people living in small villages have very little to do with the central Government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government reacts to charges of human rights violations either by denying them, by ignoring them, or by calling them an intrusion into Syria's internal affairs. There are no internal groups monitoring human rights. Amnesty International's inquiries are ignored, and the International Committee of the Red Cross has had only limited access to prisoners.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Membership in the Baath Party is an important factor in prospering in the Syrian economy. Party connections can pave the way for entrance into better schools, access to more lucrative employment, and greater power in government.

The status of Syrian Jews continues to be influenced by the ongoing state of war with Israel, but the situation of the Jewish community has improved in recent years. Today it enjoys a relatively good standard of living, access to higher education, and entrance into the professions. Jews are subject to restrictions on foreign travel, however, and, unlike other Syrian communal groups, their passports and identity cards note their religion. Direct contact between

SYRIA

Syrian Jews and Jews in Israel is still not possible. There are unconfirmed reports that Jews are not permitted to hold government jobs, and, as in the cases of some other small minority groups in Syria, no Jews are known to hold senior government or party office. Mandatory public and military service is not required of Jews. Indeed, they are not permitted to serve in the military.

There is a Palestinian community of approximately 250,000, predominantly made up of those who fled the 1948 and 1967 Arab-Israeli wars. Several thousand Lebanese and Palestinians also entered Syria in 1982, after Israel's invasion of Lebanon. Officially, Palestinians are temporary residents, pending the resolution of the Arab-Israeli conflict.

Under Syrian law, resident Palestinians enjoy the same access as Syrian citizens to employment, social services, and education. Palestinians are free to choose their places of residence and occupation. Palestinian organizations are free to operate their own social institutions within their community. The majority participate fully in the Syrian economy, although many Palestinians claim that procedures for the purchase of real property are cumbersome and that they are allowed to own only one building or plot of land.

The Government allows those Palestinian political groups that abide by the official anti-Arafat policy to operate relatively freely. Palestinians may not acquire Syrian citizenship or vote in Syrian elections, although they currently occupy several senior positions in the Syrian bureaucracy.

Palestinians are required to obtain permission to leave the country in addition to the normal exit visa. Young Palestinians sometimes find it difficult to obtain the requisite Palestinian travel document.

The equality of women is guaranteed by the Constitution, which declares that all obstacles to women's development must be eliminated. Historically, Syrian women have benefited from enlightened government policies. They were the first female Arab constituency to receive the right to vote (1949) and are protected under laws of equal pay for equal value of work and equality in employment.

Syrian women hold positions in all areas of the Government and the economy. At present, they comprise 12 percent of the documented work force; however, a 1982 ILO study suggests that 79 percent of rural Syrian women are economically active. The literacy rate of Syrian women is 43 percent, compared to a national rate of 49 percent. Women's enrollment at all levels of education is officially encouraged and continues to rise.

The traditional concept of male guardianship of women continues to run against official policy, primarily in questions of personal status. Particularly within the Muslim community, this often severely limits a woman's rights in matters of marriage, divorce, child custody, and inheritance.

CONDITIONS OF LABOR

Syrian labor statutes provide comprehensive working standards. The minimum age in the predominant public sector is 18. In the private sector it is more variable; the absolute minimum age in the private sector is 12, while parental permission is required for children below the age of

16 to work. The Labor Ministry has an enforcement mechanism, but the number of labor investigators is small and violations of minimum-age laws may be extensive.

The workweek is 48 hours (6 8-hour days), although in certain fields in which workers are not continuously busy a 9-hour day is permitted. In actual practice, government employees rarely put in more than a 5-to-6 hour day. The statutes also stipulate a full 24-hour rest day per week and a minimum of 1 hour of rest per day; 14 days per year of annual leave (which rises to 21 days per year after 10 years' service); 70 percent of wages during the first 90 days of illness, then 80 percent for the next 90 days; and overtime pay (25 percent for daytime overtime, 50 percent for night, 100 percent for holiday). Employers are required to provide limited medical care, and if there are more than 100 employees a nurse must be hired and the service of a physician provided as necessary. The Government provides disability insurance, which is paid in monthly installments over 25 years. A worker who lost four fingers of his right hand in 1986 was awarded a monthly stipend which will provide him with a net income of $3,000 over 25 years. Minimum wages are prescribed in all sectors.

Guest workers are theoretically entitled to the same privileges, but their right to workers' permits is constantly in flux. Many are working illegally and are not covered under the government system.

TUNISIA

Tunisia, an Arab state in North Africa, is presided over by Habib Bourguiba, President for Life, who celebrated his 84th birthday in 1986. Although a parliamentary republic since 1956, the Tunisian political system is dominated by the ruling Destourian (Constitutional) Socialist Party (PSD). Three opposition parties are legally recognized. The religiously oriented Islamic Tendency Movement (MTI), which is not among these, is tolerated by the Government. In 1986, however, leaders of the MTI were subjected to increased scrutiny by the security forces and an undetermined number of its members were systematically detained and interrogated.

A well-organized, visible security apparatus carries out random identity checks, partly as a result of security dictates due to the presence of the Arab League and Palestinian Liberation Organization (PLO) headquarters in Tunis, but also in response to a history of terrorist acts attributable to the Libyan Government.

The oil price collapse, a weak phosphate market, a disastrous harvest, and a decline in tourism revenues rocked the economy in 1986. Output and employment gains slowed to near zero. Nevertheless, per capita gross domestic product, at $1,100, remains among the highest in Africa. Structural problems and the external shocks just noted may well result in negative growth. Recognizing its long-term problems as well as the recent balance of payments crisis, the Government introduced a tough structural adjustment program in August 1986. The program includes such austerity measures as a 10 percent devaluation, hikes in the prices of staple products, and budget cuts that will force layoffs in the public enterprises.

During the year the human rights situation in Tunisia underwent serious deterioration. The Government failed to carry out a promised "opening" of the political system to allow increased participation by opposition political groupings. Efforts to reform the legal system, which permits individuals to be held without trial, also came to naught. By the summer of 1986, all independent opposition newspapers had either been banned or forced to close for financial reasons. Former activists in Tunisia's largest trade union federation, the General Union of Tunisian Workers (UGTT), continued to be harassed during the year, following the Government's suppression of the elected union leadership in late 1985. The Government initiated an "anticorruption" drive during the year and several prominent Tunisian business figures were tried and convicted. Although due process was generally observed, some observers criticized the selectivity with which individuals were targeted for investigation and the severity of some sentences.

In conjunction with a crackdown on the MTI, the Government actively pursued arrests and trials of other Islamic fundamentalist groups that are not tolerated. In April violence erupted on the university campuses in Tunis following an incident in which security forces shot an Islamic fundamentalist student leader to death, allegedly while he was fleeing apprehension. Many arrests were made and there were reports of police brutality. Three leaders of a self-proclaimed Islamic revolutionary movement were convicted of attempted murder, robbery, and armed assault and were executed in the late summer.

TUNISIA

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killings in 1986. However, an Islamic fundamentalist student leader was shot to death by security forces on April 18. Although the Government promised an investigation, none of those involved has been publicly charged or censured.

b. Disappearance

There were no reports of disappearances in 1986.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There is reliable evidence that physical and psychological abuse of prisoners occasionally occurs. Isolated cases of police brutality are reported by the Arabic language press and in communiques released by the Tunisian League of Human Rights, an independent group with branches throughout the country. There were no confirmed examples of officially ordered or approved torture in 1986. Conditions in Tunisian detention centers and prisons are poor and in some instances injurious to health. In the spring, family members of former General Union of Tunisian Workers leader Habib Achour claimed that he was subjected to severe prison conditions despite his age and chronic health problems. The Government responded to Achour's complaints by bringing in doctors and, on at least three occasions, hospitalizing him for treatment.

A prisoner was beaten to death by prison guards in the civil prison in the coastal town of Mahdia in early spring. In the ensuing investigation, the guards involved were arrested and sentenced to long prison terms and a local physician who allegedly falsified the death certificate was barred from medical practice.

Reports in 1986 continued to indicate that civil prisons were overcrowded and poorly supervised.

Following violent confrontations between police and students in April at the university in Tunis, there were reports that policemen had entered dormitories and had beaten and abused male and female students.

d. Arbitrary Arrest, Detention, or Exile

Arrests of persons opposing the Government do occur, most frequently on charges of illegal political activity. In 1986 persons espousing a return to Islamic religious values bore the brunt of arbitrary or secret detention. Some with leftist, pan-Arab, or pro-Libyan views were also arrested. These persons are often subjected to long periods of preventive detention without trial and have been known to be arrested and released several times without being charged. During April 21-22 campus demonstrations at the university in Tunis, almost 1,000 students were detained. All students were released after 1 week but a small number had their academic waiver from national service removed and were expeditiously drafted.

TUNISIA

As part of the Government's move to take control of the UGTT labor federation, many union activists were detained. In June 1986 the former UGTT leadership submitted to the International Labor Organization (ILO) a list of nearly 100 UGTT members who were allegedly being detained without charge.

There is no legal limit on preventive detention. In early 1986 the Government had under discussion, but did not adopt, a Tunisian Human Rights League-sponsored initiative to limit incommunicado holding of detainees and to require medical examinations according to a fixed schedule. The Tunisian Human Rights League claims that there are about 100 people in jail on political charges.

In 1981 the ILO criticized Tunisia for its policy of forced labor in prisons. While Tunisia continues to use forced labor as a sentence, it reportedly resolved ILO concerns on this issue in 1983 in a comprehensive report. The ILO has continued to urge Tunisia to bring its legislation on rehabilitation work and civic service into conformity with the Convention on Forced Labor.

Ex-Prime Minister Mohamed Mzali, who fled the country in September, subsequently had his lawyers file a petition with the United Nations Human Rights Commission in Geneva. Mzali claimed that his family was being persecuted arbitrarily in order to punish him. Specifically, he complained that his sons were being punished in a manner out of proportion with the charges against them, that his wife was under house arrest, and that his son-in-law had been detained without charge The Government disputed some of these allegations.

e. Denial of Fair Public Trial

No secret trials were held in 1986, and no cases were tried in special security courts. During 1986 the Government initiated what many observers termed a "selective" anticorruption drive. Businessmen and prominent citizens targeted in the investigations faced detention and travel restrictions, sometimes for long periods, before charges were brought. The sentences handed down in some of these cases, including the sentencing of a prominent bank president to 10 years hard labor for mismanagement, were often disproportionate to the established crime. The case of a group of self-proclaimed Islamic revolutionaries charged with bank robbery and attempted murder of a policeman during the spring resulted in three death sentences. The case was heard by a military tribunal rather than by a civilian court because one of the ringleaders of the group was on active military duty. The defendants claimed that they should be tried as political prisoners but the Tunisian Government maintained that they should be sentenced in accordance with their actual crimes. The severity of the sentences led some observers to ask whether the military tribunal had given the accused a fair trial. In all cases the defendants had access to legal counsel.

The judiciary is relatively free but critics perceive a growing trend in the direction of government control and interference in judicial processes. The sentencing of a lawyer in June to a 6-month jail sentence on questionable charges of "misbehavior" before a judge is cited as one example of this trend. Lawyers for labor leader Habib Achour walked out during the hearing of his appeal of a 1-year

sentence on March 22, claiming their client's right to due process was being ignored.

The Government continues to hold an unknown number of prisoners on the basis of their political activity, but insists that they all have been charged and will face trial.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The privacy of the individual and of the home are generally respected. However, the security police sometimes secure blanket rather than specific judicial authorization for the arrest of persons suspected of activities posing a security threat. Instances of the monitoring of correspondence and telephones are reported.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Tunisian citizens feel free to criticize the Government in private and, in more restrained terms, in public. Personal criticism of President Bourguiba in the press is not allowed. A large segment of the press is privately owned.

Tunisian law requires that the first printed copy of each edition of every national news publication be submitted to a censorship authority. This body has the power to censor (either partially or completely) any publication it receives. In some cases the Government will take the further step of bringing charges against the editor or publisher. During 1986 the Government banned 5 opposition newspapers and magazines, each for a period of 6 months. Specific issues of all of these publications had been seized previously, particularly editions published following the U.S. air strikes against Libya in April. Weeklies belonging to two legal opposition parties were banned in the spring for 6-month periods. The ban effectively eliminated the papers from publishing during the electoral campaign for the National Assembly. Two other publications did not appear because of financial losses suffered during their period of suspension. Another, Errai, voluntarily suspended publication out of the conviction that, in the existing atmosphere, it faced inevitable suspension.

Except for the independent weekly Realities, the publications were banned for either defamation or dissemination of false material. Realities was banned in June for an article that criticized government repression of the left-wing opposition. Its editor and one of its more prominent journalists were given suspended sentences and fined.

Le Monde was banned for a short time in 1986, and several expatriate journalists were called into the Ministry of Interior for questioning following publication of certain of their reports. In one case, an American journalist was ordered to leave Tunisia, but was subsequently allowed to return.

The Tunisian press is usually diverse and lively in its commentary on Tunisian politics and society. However, the Government's decision to ban several publications, along with closures due to financial losses, left Tunisia without its normal range of independent Arabic language publications in the latter half of 1986.

TUNISIA

Academic freedom is generally respected, and scholarly research is not subject to overt interference. Although the Government replaced all university deans, who had previously been elected, with its own appointees and removed elected student representatives from university councils, these actions were not taken to restrict what the schools were teaching, but rather to make the deans more responsive to the Government and to deal more effectively with student unrest.

Islamic fundamentalist and leftist student groups on the university campuses are tolerated but are not officially recognized. Many Islamic fundamentalist student leaders were forced to leave the universities in 1986 in order to do national service.

b. Freedom of Peaceful Assembly and Association

Although the Constitution guarantees freedom of assembly, government permission must be obtained to hold political meetings. Recognized political parties held meetings during the year. On one occasion in February the opposition parties were denied permission to hold a joint meeting. The Tunisian Human Rights League was denied permission to hold a meeting on February 22.

In the course of a demonstration organized to protest the U.S. airstrikes against Libya, three members of the opposition, including the Democratic Socialist Movement's (MDS) leader Ahmed Mestiri, were detained on charges of illegal political assembly. Mestiri was sentenced to a 4-month prison sentence for his part in the demonstration, the length of the sentence effectively denying him eligibility for candidacy in the November elections. Because of his poor health, much of Mestiri's sentence was served under house arrest.

The right to organize a union and to strike is guaranteed by the Constitution and most public sector workers are affiliated with an appropriate union. Many private sector workers, however, remain nonunionized. In the past, these constitutional guarantees contributed to the development and growth of a large, free trade union movement in Tunisia, based on the French model, and Tunisia traditionally has had one of the largest free trade union movements in the Arab world. Rising tensions between Tunisia and Libya, reflected in Libya's expulsion in 1985 of over 32,000 Tunisians, including 20,000 Tunisian workers, added to labor tensions, prompting stronger government measures against labor activists. As economic and political difficulties mounted, the Government limited the freedom of union members in an effort to minimize labor unrest and its consequent economic and political impact. After the Government responded to a threat of strike actions in 1985 by placing Habib Achour, the UGTT leader, under house arrest, the Government moved to take control of the union. Achour was subsequently imprisoned in 1986 for mismanagement of union funds and remains in jail along with other union figures who are charged with various crimes. Government policies also restricted union meetings in the workplace during much of this period, although this prohibition was later relaxed.

With the successful replacement of the UGTT executive board by party loyalists in April 1986, and the unification of the new, PSD-controlled UGTT leadership with the smaller National Federation of Tunisian Workers (UNTT) in September, the Government promised to renegotiate most wage contracts that

had expired over the past 3 years during a government-enforced wage freeze. The Government has stipulated, however, that any new wage increases must be linked to productivity gains. These negotiations promise to be difficult and a return to a more liberal policy toward labor activism is currently unlikely.

c. Freedom of Religion

Although Islam is the state religion, the Constitution guarantees religious freedom. Proselytizing for religions other than Islam is prohibited. There is no religious discrimination in private commerce and employment, but government employment is generally reserved for Muslims. The small Jewish community worships freely and maintains indigenous organizations with official sanction. During periods of tension, however, synagogues and Jewish-owned shops have been subject to harassment. Following the raid on PLO headquarters on October 1, 1985, the Government took extraordinary measures to protect the Jewish community.

Expatriate Christians freely attend church services. Under an agreement between the Vatican and the Tunisian Government, several Roman Catholic orders remain active.

The Bahai's continue to face a ban, instituted in 1984, on their religious meetings but have not been the object of further restrictions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.

Free movement within Tunisia is allowed, although citizens must carry identity cards. Passports for foreign travel are easily available but may be withheld, e.g., if a person is suspected of clandestine links to a foreign government. In 1986 several labor leaders, opposition figures, and businessmen were prevented from leaving the country. In some cases passports were confiscated for indeterminate periods without any legal justification being offered. In August former Prime Minister Mzali was prohibited from leaving Tunisia. He subsequently fled the country clandestinely; he claimed that he had left the country legally since he was in posession of a valid passport.

There is no restriction on emigration or repatriation, although foreign exchange restrictions and a substantial departure tax make travel more difficult.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

High government office is effectively restricted to members of the PSD.

Parliamentary elections are required every 5 years. The ones on November 2 were boycotted by all opposition parties. The Democratic Socialist Movement withdrew over the refusal of the Government to release Ahmed Mestiri, the party's Secretary General, after he had been convicted of organizing an illegal demonstration, and over the Government's banning of the opposition press. The Communists and Baathists withdrew all their candidates in protest after Government officials disqualified some of them on procedural grounds. The Popular Unity Party withdrew, complaining of interference in its

efforts to conduct its campaign. The ruling party thus competed in the election with opposition in only two electoral districts where independents had filed lists. The ruling party won every seat in the election.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights:

The Tunisian League of Human Rights continued to meet with high government officials (including the new Prime Minister, Rachid Sfar) during 1986 to discuss cases of detention and arrest. The League publishes a bulletin that details reported human rights abuses. It holds national meetings, for the most part without government interference. In a statement made following a September 7, 1986 meeting, the National Council of the Tunisian Human Rights League referred to the "deteriorating situation the country was going through", deploring "the accelerated rhythm of flagrant violation by authorities against individual and collective liberties in all sectors, especially since the bread riots of January 1984."

The Government has shown a willingness to criticize human rights abuses in other countries and has forcefully condemned terrorism regardless of motivation or origin. However, efforts to obtain government permission to set up a local chapter of Amnesty International (to report only on human rights violations in other countries) met with official silence.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Legal equality between men and women is vigorously supported by the Government. Equal rights in the areas of divorce and child custody are, for example, guaranteed by legislation. A small number of women serve in the Government at all levels. There is one woman cabinet minister and there are at least five women jurists who have direct impact on cases they hear or review. Currently, the 136-member Chamber of Deputies has seven women members. New apportionment plans, however, will reduce the legislature's membership to 123. Nevertheless, the centralized nature of decisionmaking generally limits the influence of women at the national level. Women's access to education is guaranteed by law, and approximately 40 percent of the primary and secondary school enrollment is female. Despite the Government's efforts, traditional practices in many cases keep women, especially in the rural areas, from full attainment of their legal rights.

CONDITIONS OF LABOR

Shortly after independence, Tunisia adopted a labor code that provided for standards of work, hours of work, and a minimum wage. These conditions apply directly to some 60 percent of the labor force who work in government jobs, public sector companies, and in professions such as teaching. Another 20 percent of the labor force who work in agriculture and the private sector are indirectly affected by these provisions. About 20 percent of the work force, principally domestics and migrant agricultural labor, are not covered by the labor code.

The base minimum wage in the industrial sector is approximately $125 for a 40-hour week. In agriculture the

base minimum wage is approximately $100 per week, although this only directly applies to some 3 percent of the agricultural work force. Employees who are covered under the minimum wage also by law receive other benefits, including social security, disability and health insurance, transportation and family allowances, and paid leave. The normal workweek is either 40 or 48 hours. The labor code also requires employers to pay overtime, a night work differential, and holiday pay. In the major urban areas, a minimum wage employee with a family of 4 will net between $160-$200 per month when allowances (nontaxable) are included. Child labor is prohibited prior to 16 years of age. Moreover, these provisions are widely enforced through an oversight program directed by the Social Affairs Ministry.

The Tunisian Ministry of Social Affairs has established a health and safety office to improve health and safety standards in the workplace. In many hazardous jobs--e.g., mining, petroleum engineering, and construction--the Government has established new safety regulations and is enforcing more safety precautions.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: TUNISIA

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	17.7	29.7	25.3
LOANS.....	13.5	4.5	0.0
GRANTS.....	4.2	25.2	25.3
A.AID	1.6	22.8	23.3
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.6	22.8	23.3
(SEC.SUPP.ASSIST.)...	1.5	20.0	22.8
B.FOOD FOR PEACE.....	14.7	5.1	0.0
LOANS.....	13.5	4.5	0.0
GRANTS.....	1.2	0.6	0.0
TITLE I-TOTAL.....	13.5	4.5	0.0
REPAY. IN $-LOANS.....	13.5	4.5	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	1.2	0.6	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	1.2	0.6	0.0
C.OTHER ECON. ASSIST...	1.4	1.8	2.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.4	1.8	2.0
PEACE CORPS.....	1.4	1.8	2.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	111.6	66.6	65.5
LOANS.....	92.0	50.0	25.8
GRANTS.....	19.6	16.6	39.7
A.MAP GRANTS.....	18.0	15.0	38.3
B.CREDIT FINANCING....	92.0	50.0	25.8
C.INTL MIL.ED.TRNG....	1.6	1.6	1.4
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	129.3	96.3	90.8
LOANS.....	105.5	54.5	25.8
GRANTS.....	23.8	41.8	65.0
OTHER US LOANS.....	0.0	7.9	0.0
EX-IM BANK LOANS.....	0.0	7.9	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	221.6	246.4	59.6	1985.9
IBRD	135.1	141.0	27.7	1507.1
IFC	1.0	2.3	13.4	78.5
IDA	0.0	0.0	0.0	70.1
IDB /	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	84.7	93.0	0.0	201.1
UNDP	0.8	1.1	0.0	49.7
OTHER-UN	0.0	0.0	0.0	10.9
EEC	0.0	9.0	18.5	68.5

UNITED ARAB EMIRATES

The United Arab Emirates (UAE) is a federation of seven autonomous emirates, each of which retains extensive powers in such vital issues as economic policy (including petroleum), internal security, and defense. The emirate rulers' legitimacy is based on longstanding traditions of tribal leadership. There are no elections. The rulers comprise a Supreme Council which, in theory, is the highest legislative and executive body but which seldom meets. The Supreme Council selects a president and vice president from its membership. The president appoints a prime minister and a cabinet. A Federal National Council of 40 members, appointed by the emirate rulers, offers the federal government nonbinding advice on legislation and reviews government operations. Representation on the council is roughly proportional to the population of each emirate.

The economy is based almost entirely on oil production, which has made the UAE's per capita national income one of the world's highest. A small citizen population controls the country's economic life but depends heavily on a much larger contingent of foreigners to provide manual labor and vital technical skills. Economic recession, a consequence of the slack world oil market, has begun to reduce the foreign labor force and heightened government vigilance about immigration and labor regulations.

The emirates of the United Arab Emirates maintain independent internal security organizations, which concentrate mainly on antiterrorist activity.

There are no formal restrictions on citizens' rights to associate, pursue private interests, or hold private property. Foreigners have no political role. Women play a restricted public role, out of tradition rather than explicit government policy.

There were no significant changes in the human rights situation in 1986. In the political sphere, the ruling families and their allies continued to play a dominant role. There was no discernible movement to expand the powers of the nonelected Federal National Council or to extend the boundaries of formal political participation.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

No political killings were reported.

b. Disappearance

No political disappearances were reported.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The provisional Constitution prohibits torture or degrading treatment of any person, and the physical or moral abuse of an accused person. No instances of torture were reported. Prison conditions, including diet and medical facilities, are

adequate. Prisoners are permitted visits from family members, friends, and lawyers. Consular access to imprisoned foreign nationals is permitted, although it is sometimes delayed. There is no evidence that the authorities allow mistreatment of prisoners.

There were no instances of the amputation of a hand for theft or stoning for adultery under the system of Shari'a law, which is an integral part of the judicial system.

d. Arbitrary Arrest, Detention, or Exile

The Provisional Constitution prohibits arrest, search, detention, or imprisonment except in accordance with the law, and the laws of each emirate prohibit arrest or search without probable cause. Prolonged detention without charge is rare, although instances have been reported, especially in national security cases. By law, the police must report any arrest to a judge within 48 hours for his determination whether to charge, release, or, with sufficient police justification, allow limited further detention during a continuing investigation. Once charged, suspects come to trial expeditiously. In 1986 there were no reported instances of preventive detention. Forced labor is not practiced. The Provisional Constitution prohibits the exile of citizens.

e. Denial of Fair Public Trial

The UAE has a dual system of Shari'a and civil courts, which deal with criminal and civil cases. Each court system has a multilevel appeal process. Either the plaintiff or the nature of the case determines which court system hears a particular case.

Legal counsel is readily available and permitted to represent a defendant in both court systems. The court may appoint legal counsel if counsel agrees to provide services free; no system of state payment of public defenders exists.

There are no jury trials. All cases, except national security cases and those deemed by the judge likely to upset public morality, are open to the public. Most judges are foreign nationals, primarily from other Arab countries. Rulers occasionally interfere in the judicial process. Nonetheless, the court system is generally regarded as fair and its judgments well considered.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Provisional Constitution prohibits entry of homes without permission, except in accordance with the law. Although the police can enter homes without a warrant and without demonstrating probable cause in advance, an officer is answerable if he abuses his authority in doing so. Anyone other than a police officer must have a court order to enter a private home. Local custom and practice give high value to privacy and violations are rare. Surveillance of private correspondence is not practiced. Except for rare instances involving national security, no cases of arbitrary interference with privacy have been reported in recent years.

UNITED ARAB EMIRATES

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Emirate citizens are constitutionally guaranteed freedom of speech. In practice, however, most inhabitants, especially foreign nationals, are circumspect in public discussions of sensitive political topics.

Although most of the local English- and Arabic-language newspapers are privately owned, all but one receive government subsidies. The press operates under a law which codifies the powers of censorship and media closure and it adheres to reporting guidelines.

These regulations, along with self-censorship by journalists, make actual censorship rare. Local newspapers are seldom critical of government policy. They are cautious in reporting on the ruling families, national security, and relations with neighboring states. Particularly on domestic issues, the Arabic press is generally more open than the English language press.

The censorship department of the Ministry of Information and Culture scrutinizes all imported newspapers, periodicals, films, and videos, and bans items considered pornographic, violent, derogatory to Islam or Christianity, favorable to Israel, unduly critical of friendly countries, or critical of the ruling families.

The Ministry of Information and Culture and some emirate governments own radio and television stations and assure that programs and news reporting are in conformity with the standards imposed on the other media.

b. Freedom of Peaceful Assembly and Association

Political parties are not allowed. Organized public gatherings require a government permit. In practice, public gatherings are rare. The citizen population normally confines its political discussion and debate to the numerous "assemblies," held in private homes, which are a local tradition.

There is no legal provision for the right of workers to organize, to engage in collective bargaining, or to strike. Foreign workers attempting to do so would almost certainly be deported. For the resolution of work-related disputes, workers have access to conciliation committees, organized by the Ministry of Labor and Social Affairs, and to special labor courts. These committees and courts are regarded as effective and fair.

c. Freedom of Religion

Islam is the official religon of the UAE. Non-Muslims are free to practice their religion but may not publicly proselytize or distribute religious literature.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on freedom of movement or relocation within the country except for security areas such as defense and oil installations. Unrestricted foreign travel and emigration are permitted to citizens. Exit visas are not

66-986 O - 87 - 43

required. The right of return is extended to all citizens. There are no known instances of revocation of citizenship for political reasons. Foreign workers who terminate employment are normally required to leave the country for at least 6 months before they may return to new jobs. However, categories of personnel who have been exempted from this provision are increasing.

The UAE and its member emirates have long accepted groups of displaced persons, such as Palestinians, and those attracted by economic opportunity, such as Iranians. Except for those who were settled in the area long before the UAE's independence, few of these persons have become citizens. Although lacking a formalized procedure for accepting refugees, the UAE occasionally grants Iranians refuge if they can demonstrate that they would face persecution in Iran. However, most Iranians, if intercepted attempting to enter the coutry illegally, are turned back.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government.

The UAE has no formal democratic institutions. Most of its citizens have little or no say in the process of government or in the choice of leaders. The bulk of executive and legislative power is in the hands of the seven emirate rulers and their families. In 1986, these rulers, sitting as the Supreme Council, unanimously reelected Shaikh Zayed Bin Sultan Al-Nahyan, ruler of United Arab Emirates, as President and Shaikh Rashid Bin Saeed Al-Maktoum, ruler of Dubai, as Vice President. Intermarriage and alliances between the ruling families and other influential families extend the network of informal participation by which most major decisions are made.

The positions and powers of individual rulers are not defined constitutionally. They are the product of traditional concepts of authority. Although the rulers and ruling families are presumed to have a right to rule, their incumbency ultimately depends on the quality of their leadership and responsiveness to their subjects' needs. Emirate rulers are accessible to any subject who has a problem or a request. The choice of a new ruler falls to the ruling family, which is supposed to choose its most capable and respected eligible member. In practice, to avoid violent succession disputes which were common in the past, primogeniture has become increasingly common.

The political dominance of the ruling families is intertwined with their substantial involvement and influence in economic life. The ruling families and their close allies control and profit from petroleum production, and, with important merchant families, have a major stake in the UAE's commercial life.

With few exceptions, the large foreign community has no political role.

In 1986, there were few indications of movement toward more democratic institutions. The country's most representative institution, the Federal National Council, continued to meet and debate government policy, but there was no sign of change in its advisory status or in its nonelective method of selection.

UNITED ARAB EMIRATES

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The UAE is responsive to foreign criticism of its human rights situation. For example, it has improved its labor laws in response to criticism that low-paid foreign workers were being mistreated. The UAE has no internal groups which monitor human rights. No outside human rights group visited the UAE in 1986.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Conservative attitudes about women's roles and the frequency of early marriage still limit women's educational opportunities. However, women's education is advancing (females outscore males in many subjects at all levels) and opportunities for women are growing in government service and the news media, besides the more traditional fields of education and health.

Because foreign workers can stay in the UAE only with the continuing approval of the Government, and would probably face unemployment or lower wages in their country of origin, they are occasionally abused or exploited by employers who take advantage of their relunctance to protest. The Government has taken steps to improve the labor law covering conditions of employment, compensation, inspection of the workplace, and enforcement procedures.

In 1986 consideration was given to legislation which would limit the marriage of UAE citizens to foreigners. Although many foreigners have lived in the UAE for years and have held highly responsible positions, very few, even fellow Arabs, have been granted citizenship.

CONDITIONS OF LABOR

Labor regulations prohibit employment of youths below 18 and restrict hours of work to 8 hours per day, 6 days per week. Since the children of UAE nationals have little incentive to work, and only adult foreign workers are allowed in the country, there is virtually no child labor. There is no minimum wage. The Government has adopted occupational safety standards which are generally enforced.

YEMEN ARAB REPUBLIC

The military has played a preeminent role in the Yemen Arab Republic (YAR) since the 1962 revolution which overthrew the theocratic Imamate and opened the YAR to the world. The current Government was largely shaped and influenced by 8 years of civil war followed by political turbulence which persists in the south Arabian region. The Government remains unable to extend its full authority over the entire country, much of which is isolated by rugged terrain. Tribal leaders in the outlying areas have been reluctant to give up their traditional authority.

The current leader of the YAR, Colonel Ali Abdullah Salih, assumed office in 1978 following the assassination, within 8 months, of his two immediate predecessors, both of whom came from the senior ranks of the army. No ranking national government official currently serving in office has been elected in a truly competitive process, and President Salih relies heavily on military and security forces to maintain his Government in power. There are unconfirmed reports that Salih has escaped several attempts on his life. An invasion by its neighbor, the People's Democratic Republic of Yemen (PDRY), in 1979 was followed by an insurgency by the National Democratic Front (NDF), a Marxist group created by the PDRY. Fighting continued until 1982. A violent coup in the PDRY in January 1986 has contributed to YAR security concerns. Thousands of political exiles now live just inside the YAR border with the PDRY. As a consequence of these developments, fears about state security have created an atmosphere which has not been conducive to improving human rights and which has slowed the evolution of more democratic institutions.

The YAR is a poor country with a limited industrial infrastructure. Remittances from Yemeni workers abroad are a major source of foreign exchange. A sharp drop in these remittances has caused the Government to intervene to limit the outflow of foreign exchange, a step which is contrary to its usual laissez-faire policies.

There was little change in the state of human rights in 1986. However, the potential for increased violence exists. Continued unrest in the PDRY has resulted in concern over the possible resumption of NDF activity in the YAR. More than 15,000 PDRY refugees, many of them military professionals, were in the YAR by the end of 1986, and the number is expected to grow. In the wake of this development, security forces have been particularly active in the border areas and in Sanaa. Detention without charges and other abuses have occurred. The National Security Organization (NSO), charged with protecting the Government from subversion, has inevitably gained in power and influence.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports that government forces executed individuals for their political beliefs. There was a terrorist attack against a member of the U.S. Embassy staff in April. There were also unconfirmed reports of armed attacks by the NDF on YAR security forces and exiles in the border areas.

b. Disappearance

There were continuing reports of secret arrests by national security officials. In rural areas, there were also reports that both government security forces and tribesmen resorted to hostage-taking. There were also several reports of kidnaping for purposes of intimidation. The persons abducted were eventually released unharmed.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The YAR Constitution, the National Charter, and Yemeni legal statutes all proscribe the use of torture. However, security authorities reportedly continue to resort with impunity to force and intimidation to extract information or confessions from persons accused of criminal activity, particularly where matters of security are believed involved. Most informed Yemenis believe that the NSO engages in torture on occasion.

The Yemeni legal code is based on Islamic Shari'a law which calls for such punishments as amputation and stoning, but these penalties are now rarely applied. Harsh conditions prevail in most Yemeni jails, but some prisoners are able to receive food, clothing, and medicine from their families.

d. Arbitrary Arrest, Detention, or Exile

There were continuing reports of arbitrary arrest. Prisoners were also held without charge for extended periods despite provisions of the Constitution which limit the time police may hold suspects without explicit judicial authorization. Established procedures through which detainees may contact their families and lawyers are not always observed. Legal safeguards are sometimes ignored, most often when matters of security are at issue. The practice of long-term imprisonment of political opponents continues. In 1986 such cases reportedly exceeded 100, with many more kept under virtually constant surveillance by the NSO.

There were also continuing reports of incommunicado detention, many of them relating to cases involving state security. However, family and friends are usually able eventually to determine a detainee's whereabouts.

There is no forced labor.

e. Denial of Fair Public Trial

There are several types of courts in the YAR, including traditional Shari'a (Islamic) courts, commercial courts, and special security courts. The Shari'a courts have jurisdiction in all cases that do not fall into the latter two categories, although there is overlapping jurisdiction in some commercial law cases. The Shari'a courts appear to be fair and impartial, within the context of the Islamic tradition. The judge plays an active role in questioning the witnesses, seeking to establish the guilt or innocence of the accused. Attorneys may counsel their clients, but do not address the court or examine witnesses. If the defendant is to be brought to trial, he is informed of the charges against him at the conclusion of the police investigation.

There is a possibility of appeal to political authorities outside the Shari'a system. Persons often seek to bring the

influence of prominent people or government officials to bear in a case. The ability to do so varies according to the status of the defendant. In a commercial court, litigants can generally expect a fair and open trial with legal counsel. The Shari'a and commercial courts remain largely independent of the executive, though all decisions are subject to review and confirmation by the President.

Those formally charged with espionage or other antigovernment activities are tried in special security courts. These courts are convened at the direction of the President to handle specific cases. Rights normally afforded the accused may be suspended in security cases. All decisions made by the security court are subject to review and confirmation by the President.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

National security forces operate under an open mandate to search homes, monitor telephone conversations, read personal mail, or otherwise intrude into private lives when security interests are believed involved. Automobiles are routinely stopped and searched, and identification is often demanded at intersection checkpoints.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Restrictions on free speech exist, but their effect is limited to the urban population by the Government's incomplete control over the countryside. The Information Ministry controls the management and content of radio and television programing, and all the major, widely circulated newspapers. The few privately operated, nondaily newspapers remain unable to voice opinions different from those of the Government. The Government freely removes articles from newspapers and periodicals published in the YAR if the censors deem them inappropriate or offensive. Publications from outside the country which carry offensive articles are withheld from distribution. The Government has also suspended publishing rights for extended periods as punishment for printing material the censors find objectionable. Individual Yemenis believe they may experience difficulties if national security officials overhear comments critical of the Government.

b. Freedom of Peaceful Assembly and Association

Political parties are illegal. The General People's Congress was established by President Salih as a substitute for party politics. It is intended to promote regular discussion and endorse political activity within the scope of the National Charter, the nation's guide to political activity and personal rights. As such, it has become the country's only mechanism for legitimate popular political expression. At the General People's Conference of the Congress in late August 1986, President Salih reiterated the prohibition against any other form of political activism, declaring in the Conference's opening speech that there was no place for partisan politics in Yemen.

Political demonstrations, although ostensibly not illegal, are rare, and most of the few that are held are organized by the Government. One which was not was a rally in support of the

YEMEN ARAB REPUBLIC

Afghan mujahidin, organized by Islamic conservatives at Sanaa University.

Unions and professional organizations play a minor role in the country. Legislation prohibits the establishment of unions independent of government control. Strikes are illegal, and there is no right of collective bargaining. Shari'a law weighs heavily in labor disputes and provides relief for some employee grievances.

Association of Yemeni citizens with foreigners is closely monitored by NSO officials. Embassies are required to furnish lists of Yemeni guests at all functions, a procedure evidently intended to monitor Yemeni contacts with foreigners which also discourages fraternization. Invitations for high ranking officials must be sent through the Ministry of Foreign Affairs. Appointments with Yemenis must be made for most employees of foreign embassies through the Foreign Ministry as well. Some Yemeni citizens, invited by various embassies to social functions, have been denied entry by NSO officials waiting outside the embassy. Others have been taken away for questioning upon their arrival. Some Yemenis have been detained for several hours' interrogation for merely speaking with foreign embassy officials or visiting their homes.

Tribal councils, which formerly provided a forum for relatively free expression, are losing their ability to decide local affairs as government authority and NSO influence expands into the countryside.

c. Freedom of Religion

Islam is the state religion and that of the vast majority of Yemenis. Members of the Zaydi (Shi'a) sect have historically enjoyed greater political influence than those of the Shafei (Sunni) sect, although this distinction has often been as much based on geographic and tribal considerations as on sectarian grounds. For the most part, the two major Islamic communities coexist without friction and seek to minimize the significance of doctrinal differences. Muslim associations with ties to pan-Islamic or foreign organizations enjoy some degree of freedom, including the right to operate schools which are largely independent of the national education system.

Although almost all of the once substantial Yemeni Jewish population has emigrated to Israel, a small number of Jews remain, perhaps 1,000 or fewer, living mostly in the north of the country. There are no synagogues, but Jews are permitted to practice their religion in private homes unmolested. The Government has made a point of ensuring that no impediments to this right exist. Jews usually live in relative harmony with their Muslim neighbors. There are no reports of government-inspired harassment or intimidation, although violent incidents have been reported from time to time. Such incidents, however, are not dissimilar to the violence which is a fact of life in much of the countryside. Communications between the Yemeni Jews and their coreligionists in Israel are strictly prohibited.

There is no indigenous Christian population. Foreign Christians are allowed to conduct private services, although the establishment of churches is not permitted. Foreign clergy are not permitted into the country for missionary purposes; however, a few work in social service fields. Public celebration of non-Islamic religious holidays is discouraged.

Proselytizing is forbidden by law, but Christian missionaries have operated hospitals without serious hindrance for many years.

d Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Many Yemenis historically have sought employment abroad. The Government has not restricted this large-scale emigration in view of the importance to the economy of foreign remittances. Procedures for obtaining passports and compulsory exit permits are sometimes onerous, particularly for Yemeni males who have not fulfilled their military service obligations. Political dissidents have frequently chosen self-imposed foreign exile or have accepted government appointments abroad rather than face possible difficulties at home stemming from their political views. There are no restrictions on travel by Yemenis within the country despite the presence of numerous security checkpoints on all major roads. Foreign tourists must obtain travel permits from the tourist office, which usually issues them with little delay or difficulty. Strict controls on the issuance of passports help to regulate travel outside the country.

The coup in the PDRY in January 1986 resulted in the influx of approximately 15,000 to 20,000 political exiles and refugees to the YAR. The Government has temporarily settled most of these people in refugee camps along the border. Others appear to have been taken in by villagers in the area or gone to stay with relatives. There are reportedly 2,500 Eritrean refugees and displaced persons living in a camp at Khokha. Political activity by both these groups is closely monitored by NSO officials and the YAR military. Most of the Palestinians who came to the YAR from Lebanon in 1982-83 are gone. The remainder still live in camps. The Palestinians are watched closely by the NSO, which restricts their movement and activity. There has been no assimilation of the Palestinians into Yemeni society, mainly because of the tribal organization of the country.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Government does not permit partisan political activity, and there is no legal mechanism whereby Yemenis may change their government. The President makes all key decisions, appoints all government ministers, and controls entry into the General People's Congress (GPC), either through direct appointments or through influence over candidacies. The Congress has no actual legislative authority, and there is no legal opposition. Full-fledged opposition to the Government is dealt with as subversion. The people have a limited consultative role through the GPC and other channels, and criticism and debate of government operations and policies are tolerated in the Congress.

The GPC was first convoked in 1982, ostensibly to formulate and ratify the National Charter. It has met twice since that time, in 1984 and in August 1986. The President by law appointed approximately 40 percent of the membership while the others were elected from all parts of the country and included men and women from all walks of life.

Although some latitude existed in the selection of candidates, much of the process was coopted by the Government. It was left

to the populace to confirm the Government's selections. Control of the Permanent Committee of the Congress, the 200-person executive element of the Congress, remained essentially in the same hands. The Permanent Committee consists mostly of government officials, loyal supporters of the President, or important personages who would be slighted by omission.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no human rights organizations in the YAR, and no human rights investigations were conducted in 1986. The Government appears unwilling to entertain dialogue from any quarter on the subject of human rights, which it regards as an internal matter.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Minority groups in the YAR, such as the small Jewish population in the north, do not appear to be officially discriminated against because of their religion. The Government has tried, insofar as its limited authority in rural areas allows, to ensure that their rights are not violated. However, because of the prevailing tribal structure, tribesmen and members of prominent families enjoy an economic advantage over the less well-organized, minority elements of society--for example, in the sharing of business opportunities. Discrimination in favor of family members of tribal kinsmen is a longstanding practice.

A limited number of Yemeni women are employed outside the home or farm, in spite of the YAR's conservative Islamic society. Some women play an active role in public life, holding positions in the Government and the General People's Congress. Women now work in the middle levels of several ministries such as the Central Planning Organization, and one woman is in the Constituent Assembly. A few were elected to Local Development Councils. The Government does not restrict women's access to employment, and women work in banks and other businesses. Prevailing social norms frequently dictate, however, that women defer to the guidance of their male colleagues and accept close supervision of their activities by male relatives. Women seeking exit permits for travel outside the country are frequently asked to provide evidence that male relatives pose no objection.

Education for women in significant numbers began only at the end of the civil war in 1970. The Government is trying to expand their educational opportunities. However, staffing shortages continue to inhibit the opening of new schools and the staffing of existing institutions. Traditional Islamic norms, more strictly followed in rural areas, as well as the considerable time expended by rural women in water and fuel collection, limit the ability of women to take advantage of educational opportunities.

CONDITIONS OF LABOR

Workers' rights are defined by Yemeni law, but the regulations are virtually unenforceable. Hiring practices favor relatives or tribal associates. There is no minimum wage. Wage standards are set by the market. The generally accepted pay

scale for unskilled workers is about $10 a day. There is no minimum age for employment although there are compulsory educational requirements. These regulations are often observed more in the breach than in practice.

Much of the local production is based on agrarian or "cottage type" industry in which children often work. The presence of children in the workplace is more a reflection of family values and expectations than an exploitation of available labor. Children, especially outside urban centers, traditionally learn their trade or occupation from their parents rather than from formal educational experiences.

While working conditions are sometimes harsh, reflecting the subsistence economy which generally prevails, the Government has set general safety requirements and occasionally inspects to ensure that industrial producers have established safety standards for their employees. Although not strictly enforced, these safety standards are generally observed for reasons of efficiency.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: YEMEN ARAB REPUBLIC

	1984	1985	1986
I.ECON. ASSIST.-TOTAL...	31.4	40.7	25.0
LOANS.....	3.0	12.0	0.0
GRANTS.....	28.4	28.7	25.0
A.AID	27.4	27.6	25.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	27.4	27.6	25.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	3.1	12.0	0.0
LOANS.....	3.0	12.0	0.0
GRANTS.....	0.1	0.0	0.0
TITLE I-TOTAL.....	3.0	12.0	0.0
REPAY. IN $-LOANS.....	3.0	12.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.1	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.1	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.9	1.1	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.9	1.1	0.0
PEACE CORPS.....	0.9	1.1	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	5.1	6.4	3.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	5.1	6.4	3.1
A.MAP GRANTS.....	4.0	5.0	1.9
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	1.1	1.4	1.2
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	36.5	47.1	28.1
LOANS.....	3.0	12.0	0.0
GRANTS.....	33.5	35.1	28.1
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1984	1985	1986	1946-86
TOTAL.....	58.3	29.6	58.3	541.1
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	4.9	11.9	23.9
IDA	56.0	22.7	46.4	463.9
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	2.3	0.4	0.0	43.7
OTHER-UN	0.0	1.6	0.0	9.6
EEC	0.0	0.0	0.0	0.0

PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN*

The People's Democratic Republic of Yemen (PDRY) is a one-party state under the control of the avowedly Marxist Yemen Socialist Party (YSP). The President of the PDRY, Haydar Abu Bakr al-Attas, came to power in January 1986 when the previous president, Ali Nasir Muhammad al-Hasani, was ousted in a violent coup after bitter fighting in which the forces in opposition to Ali Nasir reportedly were openly aided by Soviet and Cuban military personnel. Ali Nasir, along with many of his followers, was forced to flee the country.

The YSP efforts to establish a Marxist-Leninist state on the Soviet model have resulted in the destruction of many traditional social and cultural values. Tribal leaders have been murdered and many human rights, such as the freedoms of speech, association, and the press, have been suppressed. As a consequence, an estimated 25 percent of the population has fled the PDRY since the country's independence from Great Britain in 1967. Most have fled to the neighboring Yemen Arab Republic (YAR).

Approximately 40 percent of the population of about 2.2 million are engaged in agriculture, which produces about 12 percent of the gross national product. The economy, which had been stagnating in recent years, worsened significantly in 1986 in the wake of the coup; there were shortages of flour, rice, milk, and other basic commodities.

Following the coup in January, human rights violations in the PDRY took place on an unprecedented scale. A PDRY official estimated in late January 1986 that between 12,000 and 13,000 people died in the fighting. A large section of Aden was destroyed by indiscriminate shooting. The ruthless annihilation of opponents was particularly severe in Shabwa and Abyan provinces; on January 18, guards reportedly machine-gunned to death nearly 100 inmates of the jail in al-Gar, Abyan. Hundreds of Ali Nasir supporters, beyond those killed in the initial fighting, were massacred. Exiles who fled to the YAR reported the machine-gunning of schools and other buildings filled with noncombatants from various tribes loyal to Ali Nasir.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Thousands of people were killed in the PDRY after the January coup, including many persons suspected of supporting Ali Nasi. In February Najib Shumayri, Chairman of the Supreme Court, was reported to have been executed for refusing to cooperate with the new regime. His death remains unconfirmed, but Amnesty International's requests for information from the Government have gone unanswered. Reports of many other arbitrary executions have been common. Mustafa Muhammad

*The United States maintains no diplomatic mission in the People's Democratic Republic of Yemen, which severed diplomatic relations with the United States in 1969. It is difficult, therefore, to comment authoritatively on conditions in that country.

Musarraj, former member of the Supreme People's Conference, and Zaki Barakat, President of the Democratic Yemen Journalists' Organization, reportedly were among those executed.

b. Disappearance

In the aftermath of the coup, people reportedly were still disappearing from their homes and places of work at the end of the year. Exiles report that many of these persons may have been killed. Exile groups have published several long lists of victims, but it has not been possible to confirm the fate of those named.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were many reports of torture in 1986, as well as reports of executions being carried out by barbarous methods.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrests continued in 1986. Many of those detained included former officials and supporters of the previous government, relatives of the former president and his followers, and others believed to be sympathetic to them. Thousands have fled into exile. Others, including several of Ali Nasir's relatives, are reportedly under protection in foreign embassies in Aden. Incommunicado detention is frequently practiced.

There are no reports of forced labor.

e. Denial of Fair Public Trial

Many persons are reported to have been imprisoned and executed without trial. There have also been a number of show trials in which prisoners have been forced to admit their "errors." Procedural protections outlined in the law are routinely ignored.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

National security is commonly used as the pretext for the widespread violation of virtually every aspect of commonly accepted norms relating to privacy, the family, and the home. Mail is routinely inspected, phones are tapped, and arbitrary searches of residences and businesses are routinely conducted.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.

There is no freedom of speech or press. The state-owned and -operated public media were used in 1986 primarily to bolster the weak public support the regime enjoys, as well as to vilify the former president and his supporters.

b. Freedom of Peaceful Assembly and Association

Political parties other than the YSP are prohibited. No public or professional associations, except those sponsored by the Government or the party, operate openly. Nonsanctioned gatherings are prohibited. Demonstrations occurred in 1986.

although reportedly with disastrous consequences for the participants. Local authorities fired on a demonstration in Abyan, resulting in many casualties, and a demonstration by women in Aden was reportedly broken up with machine-gun fire, also with many casualties.

There are no independent trade organizations or labor unions. The government-sponsored labor unions, organized under an umbrella organization called the General Federation of Trade Unions, are under close party control. Collective bargaining is forbidden. The State represents the rights of employees. Measures such as the curtailment of overtime have aggravated the relationship between workers and the State. There is no nongovernment mechanism for addressing such grievances.

c. Freedom of Religion

The Constitution declares Islam to be the state religion, but guarantees freedom of religious expression. In practice, the Government has attempted to minimize the influence of religious leaders, a large number of whom were arrested during the late 1960's and early 1970's. Sermons for Friday prayer in Aden are reportedly provided by the Ministry of Awqaf (i.e., religious trusts) Affairs.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Since the January coup, upwards of 15,000 people are said to have fled the PDRY and now live in temporary camps inside the YAR. Talks between the two governments about how to resolve the exile issue continue sporadically. Although the PDRY has offered amnesty for all but a few of Ali Nasir's supporters, most of them doubt the sincerity of the amnesty offer. Repatriation is an issue, not only for the post-coup exiles, but also for others who have fled the PDRY in past years. Reports indicate that they are encouraged to return, but there is no confirmation that any have opted to do so. Amnesty agreements made by past governments have not always been honored. Although the situation since the coup is not clear, prior to the coup citizens were free to travel within the country, except to some restricted areas. The PDRY continues to issue passports, and foreign travel for some citizens is approved.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Political power is concentrated within the highest level of the Yemen Socialist Party. Personal and factional allegiances play a major role in decisionmaking by the party leadership. The Constitution guarantees universal suffrage to citizens over the age of 18, and elections are held regularly. However, only candidates approved by the party may contest elections and no other parties or political action groups are permitted. There is a long tradition of violent coups, graphically illustrated by the events of 1986.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

When Amnesty International and other human rights groups requested information about human rights violations, the

PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN

Government attempted to place the entire blame for abuses on Ali Nasir and his supporters.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Equality of the sexes is guaranteed by law, and women frequently hold government and service jobs. Polygamy, child marriages, and arranged marriages are forbidden. There is little information available on the position of minorities.

CONDITIONS OF LABOR

Working conditions, once among the best in the area, have deteriorated markedly in recent years and will certainly have worsened since the latest coup. Child labor is common but is more prevalent in the rural areas than in urban centers, where children must compete with adults for scarce employment. Child labor in rural areas is often the result of traditional parent-child job training and apprenticeship rather than exploitation. Information is not available on minimum wage, hours of work, and occupational health and safety standards.

APPENDIX A

Notes on Preparation of the Reports

The annual Country Reports on Human Rights Practices are based upon all information available to the United States Government. Sources include American officials, officials of foreign governments, private citizens, victims of human rights abuse, congressional studies, intelligence information, press reports, international organizations, and nongovernmental organizations concerned with human rights. We are particularly appreciative of, and make reference in most reports to, the role of nongovernmental human rights organizations, ranging from groups in a single country to major organizations that concern themselves with human rights matters in larger geographic regions or over the entire world. Much of the information we use is already public. For obvious reasons, much of our information cannot be attributed to specific sources.

The reports must be submitted to Congress by January 31. To comply, United States diplomatic missions are given guidance in September for submission of draft reports during October and November; contributions are received from appropriate offices in the Department of State; and a final draft is prepared under the coordination of the Bureau of Human Rights and Humanitarian Affairs. Because of the preparation time required, it is possible that developments in the latter part of 1986 may not be fully reflected; moreover, reports from some of the nongovernmental organizations are for periods ending well before the end of the year. We make every effort to include reference to major events or significant changes in trends.

We have attempted to make these country reports as comprehensive as space will allow, while taking care to make them objective and as uniform as possible in both scope and quality of coverage. We have given particular attention to attaining a high standard of consistency despite the multiplicity of sources and the obvious problems related to varying degrees of access to information, structural differences in political and social systems, and trends in world opinion regarding human rights practices in specific countries. There is a conceptual difficulty in applying a single standard of evaluation to societies with differing cultural and legal traditions. There is also a problem of perspective in discussing countries that face differing political realities, which must be taken into account in describing the human rights environment. Rather than viewing a country in isolation, these reports take as their point of departure the world as it is and then apply a consistent approach in assessing each country's human rights situation. While we have tried to make each report self-contained by including enough background information to place the human rights situation in context, readers who need to delve more deeply may wish to consult other sources, including previous country reports.

To improve the uniformity of the reports, the introductory section of each report contains a brief setting, indicating how the country is governed and providing the context for examining the country's human rights performance. A description of the political framework and a discussion of the security and law enforcement situation are followed by an economic background statement. The setting concludes with an overview of human rights developments in 1986.

The format for the reports generally follows that of last year except that the final section of last year's report, entitled "Economic, Social, and Cultural Situation," has been replaced by one entitled "Discrimination Based on Race, Sex, Religion, Language, or Social Status" and by a final section entitled "Conditions of Labor." This change was made to better focus the reports on the right to nondiscriminatory treatment in all facets of life, an important human right, recognized explicitly in the U.N. Charter, in lieu of a necessarily general and superficial survey of the broad economic, social, and cultural situation in each country. Respect for human rights is covered in sections on respect for integrity of the person, civil liberties, political rights, and the right to nondiscriminatory treatment. Governmental attitudes toward investigations of alleged human rights abuses are discussed in Section 4, while those aspects of worker rights not covered in previous sections (specifically, the minimum age for the employment of children and acceptable conditions of work) are covered under "Conditions of Labor."

The following notes on specific categories of the report are not meant to be comprehensive descriptions of each category but to provide definitions of key terms as used in the reports and to explain the organization of material within the format:

Political Killing--Includes killings in which there is evidence of government instigation without due process of law, or of political motivation by government or by opposition groups; also covers acts of violence, if pertinent to describe a situation where killing may occur; excludes combat deaths and killings by common criminals, if the likelihood of political motivation can be ruled out.

Disappearance--Covers unresolved cases in which political motivation appears likely and in which the victims have not been found or perpetrators have not been identified; cases eventually classed as political killings are covered in the above category, those eventually identified as arrest or detention are covered under "Arbitrary Arrest, Detention, or Exile."

Torture and Cruel, Inhuman, or Degrading Treatment or Punishment--Torture is here defined as an extremely severe form of cruel, inhuman, or degrading treatment or punishment, committed by or at the instigation of government forces or opposition groups, with specific intent to cause extremely severe pain or suffering, whether mental or physical. Discussion concentrates on actual practices and treatment, not on whether they fit any precise definition of torture.

Arbitrary Arrest, Detention, or Exile--Covers cases in which detainees, including political detainees, are held in official custody without charges or, if charged, are denied a public preliminary judicial hearing within a reasonable period. Also covers forced or compulsory labor (see Appendix B) as a means of education, political coercion, or racial or social discrimination. (N.B., if no mention is made of forced or compulsory labor, it may be assumed that the practice does not exist.)

Denial of Fair Public Trial--Discusses not whether a trial has been denied but whether a trial held was both fair and public; failure to hold any trial is noted in the category above; includes discussion of "political prisoners" (political detainees are covered above), defined as those imprisoned for essentially political beliefs or acts, regardless of the actual

charge, but not including those who have gone beyond advocacy and dissent to commit acts of violence.

Arbitrary Interference with Privacy, Family, Home, or Correspondence--Discusses "passive" right of the individual to noninterference by the State; includes right to receive foreign publications, for example, while right to publish is discussed under the category that follows; does not include cultural or traditional practices, such as discrimination against women within marriage, which are addressed in Section 5 of the report.

Freedom of Speech and Press--Includes academic freedom.

Freedom of Peaceful Assembly and Association--Includes right of labor to organize and bargain collectively (see Appendix B).

Freedom of Religion--Includes freedom to publish religious documents in foreign languages; addresses treatment of foreign clergy; addresses whether religious belief affects membership in a ruling party or a career in government.

Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation--Includes discussion of forced resettlements; "refugees" may refer to persons displaced by civil strife or natural disaster as well as persons who are "refugees" within the meaning of the Refugee Act of 1980, i.e., persons with a "well-founded fear of persecution" in their country of origin or, if stateless, of habitual residence, on account of race, religion, nationality, membership in a particular social group, or political opinion.

Respect for Political Rights: The Right of Citizens to Change Their Government--Discusses extent to which citizens have freedom of political choice and can change the laws and officials that govern them; assesses whether elections are meaningful.

Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights--Includes discussion of domestic and foreign human rights organizations operating in the country and the government's response to them.

Discrimination Based on Race, Sex, Religion, Language, or Social Status--Discusses discrimination against women, racial and ethnic minorities, and other groups not discussed in other sections of the report, particularly discrimination instigated or condoned by the government. This includes discrimination in employment, housing, education, or restricted access to other economic, social, or cultural opportunities. (Killing, arbitrary detention, restriction of voting rights or free speech, for example, would be discussed under the appropriate preceding section.)

Conditions of Labor--Addresses conditions related to worker rights, including minimum age for the employment of children and acceptable conditions of labor (see Appendix B).

APPENDIX B

Reporting on Worker Rights

The Generalized System of Preferences Renewal Act of 1984 requires reporting on worker rights in GSP beneficiary countries and states that internationally recognized worker rights include "(A) the right of association; (B) the right to organize and bargain collectively; (C) a prohibition on the use of any form of forced or compulsory labor; (D) a minimum age for the employment of children; and (E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health." Reporting on worker rights for 1986 is included in the human rights reports format described in Appendix A and is covered in separate paragraphs in response to the Act's requirement that worker rights be addressed separately within the report. In previous years, the rights of association and the right to organize and bargain collectively were addressed in Section 2.b. (Freedom of Peaceful Assembly and Association); this continues to be the practice, as these rights are important indicators of the broader right to associate. Similarly, comments on the use of forced or compulsory labor are included in Section 1.d. (Arbitrary Arrest, Detention, or Exile), as in the past. Discussion of the employment of children and of wages, hours, and occupational safety is included under the heading CONDITIONS OF LABOR. The discussions of worker rights consider not only laws and regulations but also their practical implementation, taking into account the following additional guidelines:

A. The right of association has been defined by the International Labor Organization (ILO) to include the right of workers and employers to establish and join organizations of their own choosing without previous authorization; to draw up their own constitutions and rules, elect their representatives, and formulate their programs; to join in confederations and affiliate with international organizations; and to be protected against dissolution or suspension by administrative authority.

A collateral issue that is often considered in the context of freedom of association concerns legal provisions for strikes. Freedom of association is not synonymous with the right of workers to strike, as strikes may be curtailed in essential services (i.e., those services whose interruption would endanger the life, personal safety, or health of a significant portion of the population) and in the public sector. Such restrictions, however, must be offset by adequate guarantees to safeguard the interests of the workers concerned (e.g., machinery for mediation and arbitration; due process; and the right to judicial review of all legal actions). Reporting on restrictions affecting the ability of workers to strike generally includes information on any procedures that may exist for safeguarding workers' interests.

B. The right to organize and bargain collectively includes the right of workers to be represented in negotiating the prevention and settlement of disputes with employers; the right to protection against interference; and the right to protection against acts of antiunion discrimination. Governments should promote machinery for voluntary negotiations between employers and workers and their organizations.

C. Forced or compulsory labor is defined as work or service exacted from any person under the menace of penalty and for which the person has not volunteered. (It should be noted that the ILO has specifically exempted the following from its

definition of forced labor: compulsory military service; certain civil obligations; certain forms of prison labor; work exacted in emergencies; minor communal services.)

D. "Minimum age" concerns the effective abolition of child labor by raising the minimum age for employment to a level consistent with the fullest physical and mental development of young people. In addition, young people should not be employed in hazardous conditions or at night.

E. "Acceptable conditions of work" refers to the establishment and maintenance of machinery, adapted to national conditions, that provides for minimum working standards, i.e., wages that provide a decent living for the workers and their families; working hours that do not exceed 48 hours per week, with a full 24-hour rest day; a specified annual paid holiday; and minimum conditions for the protection of the safety and health of workers.

APPENDIX C

SELECTED INTERNATIONAL HUMAN RIGHTS AGREEMENTS*

	Slavery Convention of September 25, 1926	*Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of September 7, 1956*	*Inter-American Convention on the Granting of Political Rights to Women of May 2, 1948*	*Convention on the Political Rights of Women of March 31, 1953*	*Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949*	*Geneva Convention Relative to the Protection of Civilian Persons in time of War of August 12, 1949*	*Protocol Relating to the Status of Refugees of January 31, 1967*	*Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948*	*International Covenant on Civil and Political Rights of December 16, 1966*	*International Covenant on Economic, Social and Cultural Rights of December 16, 1966*	*American Convention on Human Rights of November 22, 1969*	*European Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950*
Africa												
Angola				x	x	x	x					
Benin	x				x	x	x					
Botswana	(x)	(x)			x	x	x					
Burkina Faso					x	x	x	x				
Burundi					x	x	x					
Cameroon	x	x			x	x	x		x	x		
Cape Verde					x	x						
Central African Republic	x	x		x	x	x	x		x	x		
Chad					x	x	x					
Comoros												
Congo	x	x		x	x	x	x		x	x		
Djibouti		x			x	x	x					
Equatorial Guinea												
Ethiopia	x	x		x	x	x	x	x				
Gabon				x	x	x	x	x				
Gambia, The	(x)	(x)		x	x	x	x	x	x	x		
Ghana	x	x		x	x	x	x	x	x	x		
Guinea	x	x		x	x	x	x		x	x		
Guinea-Bissau					x	x	x					
Ivory Coast	x	x			x	x	x					
Kenya					x	x	x					
Lesotho	x	x		x	x	x	x	x	x	x		

* All of these international human rights conventions have come into force, having respectively been ratified by the required number of states as specified in the final clauses of each convention. The "X" indicates those states that have ratified; parentheses signify countries which are parties based on general declarations concerning treaty obligations applicable prior to independence.

APPENDIX C

SELECTED INTERNATIONAL HUMAN RIGHTS AGREEMENTS*

	Slavery Convention of September 25, 1926	*Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of September 7, 1956*	*Inter-American Convention on the Granting of Political Rights to Women of May 2, 1948*	*Convention on the Political Rights of Women of March 31, 1953*	*Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949*	*Geneva Convention Relative to the Protection of Civilian Persons in time of War of August 12, 1949*	*Protocol Relating to the Status of Refugees of January 31, 1967*	*Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948*	*International Covenant on Civil and Political Rights of December 16, 1966*	*International Covenant on Economic, Social and Cultural Rights of December 16, 1966*	*American Convention on Human Rights of November 22, 1969*	*European Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950*
Africa—Continued												
Liberia	x											
Madagascar	x			x	x	x	x		x			
Malawi	x	x		x	x	x		x	x			
Mali	x	x		x	x	x	x	x	x			
Mauritania	x			x	x	x						
Mauritius	x	x		x	x	x		x	x	x		
Mozambique												
Namibia, U.N. Council for					x	x	x		x	x		
Niger	x	x		x	x	x	x		x	x		
Nigeria	x	x		x	x	x	x	x	x	x		
Rwanda												
Sao Tome and Principe												
Senegal	x	x		x	x	x	x	x	x	x		
Seychelles	(x)	(x)		x	x	(x)	x	(x)	x	x		
Sierra Leone	x	x		x	x	x	x		x	x		
Somalia					x	x	x					
South Africa, Republic of	x				x	x	x					
Sudan	x	x			x	x	x					
Swaziland	(x)	(x)			x	x	x					
Tanzania	x	x		x	x	x	x	x	x	x		
Togo	x	x		x	x	x	x	x	x	x		
Uganda	x	x			x	x	x					
Zaire	x	x			x	x	x					
Zambia	x	x		x	x	x	x	x	x	x		
Zimbabwe	(x)	(x)		x	x	x	x		x	x		

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Central and South America												
Antigua & Barbuda	(x)	(x)		(x)	(x)	(x)						
Argentina	x	x	x	x	x	x	x	x	x	x	x	
Bahamas	x	x		x	x	x	(x)	x				
Barbados	x	x		x	x	x		x	x	x	x	
Belize	(x)	(x)		(x)	x	x			(x)	(x)		
Bolivia	x	x		x	x	x	x		x	x	x	
Brazil	x	x	x	x	x	x	x	x				
Chile			x	x	x		x	x	x	x		
Colombia			x	x	x	x	x	x				
Costa Rica			x	x	x	x	x	x	x	x		
Cuba	x	x	x	x	x	x		x				
Dominica	(x)	(x)	x	(x)	x	x		(x)				
Dominican Republic		x	x	x	x	x	x		x	x		
Ecuador	x	x	x	x	x	x	x	x	x	x		
El Salvador			x		x	x	x	x				
Grenada	(x)	(x)		(x)	x	x		(x)				
Guatemala	x	x	x	x	x	x	x	x				
Guyana	(x)	(x)			x	x			x	x		
Haiti	x	x	x	x	x	x	x	x				
Honduras			x		x	x		x		x		
Jamaica	x	x		x	x	x		x	x	x		
Mexico	x	x		x	x	x		x	x	x		
Nicaragua	x		x	x	x	x		x	x	x		
Panama			x	x	x	x		x	x	x		
Paraguay			x		x	x	x					
Peru			x	x	x	x	x	x	x	x	x	

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Central and South America—Continued												
St. Christopher & Nevis	(x)	(x)		(x)	(x)	(x)						
St. Lucia	(x)	(x)		(x)	x	x	(x)	(x)				
St. Vincent and the Grenadines	x	x		(x)	x	x		x	x	x		
Suriname	x	x	x	(x)	x	x	x		x	x		
Trinidad and Tobago	x	x		x	x	x						
Uruguay			x		x	x	x	x	x	x		
Venezuela				x	x	x		x	x	x	x	
East Asia and the Pacific											x	
Australia	x	x		x	x	x	x	x	x	x		
Brunei	(x)	(x)		(x)	(x)	(x)						
Burma	x											
Cambodia		x			x	x		x				
China	—				x	x	x	x				
China (Taiwan only)	x	x		x								
Fiji	x	x		x	x	x	x	x				
Indonesia				x	x	x						
Japan				x	x	x	x		x	x		
Kiribati	(x)	(x)		(x)	(x)	(x)			(x)	(x)		
Korea, North					x	x			x	x		
Korea, South				x	x	x						
Laos		x		x	x	x		x				
Malaysia		x			x	x						

* Parentheses indicate signature only. Dash indicates no relationship.

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East Asia and the Pacific—Continued												
Mongolian People's Republic	x	x		x	x	x		x	x	x		
New Zealand	x	x		x	x	x	x	x	x	x		
Papua New Guinea	x			x	x	x		x				
Philippines	x	x		x	x	x	x	x	x	x		
Singapore		x			x	x						
Solomon Islands	x	x		x	x	x				x		
Thailand				x	x	x						
Tonga	(x)	(x)		(x)	x	x		x				
Tuvalu	(x)	(x)		(x)	x	x			(x)	(x)		
Vanuatu					x	x						
Vietnam	x				x	x		x	x	x		
Western Samoa					x	x						
Europe and North America												
Albania	x	x		x	x	x		x				
Austria	x	x		x	x	x	x	x	x	x		
Belgium	x	x		x	x	x	x	x	x	x		
Bulgaria	x	x		x	x	x		x	x	x		
Canada	x	x		x	x	x	x	x	x	x		
Cyprus	x	x		x	x	x	x	x	x	x		
Czechoslovakia	x	x		x	x	x		x	x	x		
Denmark	x	x		x	x	x	x	x	x	x		
Finland	x	x		x	x	x	x	x	x	x		
France	x	x		x	x	x	x	x	x	x		
German Democratic Republic	x	x		x	x	x		x	x	x		

* Selected international human rights agreements are listed in chronological order. Countries are listed in alphabetical order. Parentheses indicate that a country has succeeded to the agreement.

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Europe and North America—Continued												
Germany, Federal Republic of	x	x		x	x	x	x	x	x	x		x
Greece	x	x		x	x	x	x	x	x	x		x
Holy See												
Hungary	x	x		x	x	x	x	x	x	x		x
Iceland		x		x	x	x	x	x	x	x		x
Ireland	x	x		x	x	x	x	x	x	x		x
Italy	x	x		x	x	x	x	x	x	x		x
Liechtenstein												
Luxembourg		x		x	x	x	x	x	x	x		x
Malta	x	x		x	x	x	x	x	x	x		x
Monaco	x											
Netherlands, The	x	x		x	x	x	x	x	x	x		x
Norway	x	x		x	x	x	x	x	x	x		x
Poland	x	x		x	x	x	x	x	x	x		x
Portugal	x	x		x	x	x	x	x	x	x		x
Romania	x	x		x	x	x	x	x	x	x		x
San Marino		x										
Spain	x	x		x	x	x	x	x	x	x		x
Sweden	x	x		x	x	x	x	x	x	x		x
Switzerland	x	x		x	x	x	x	x	x	x		x
Turkey	x	x		x	x	x	x	x	x	x		x
Union of Soviet Socialist Republics	x	x		x	x	x	x	x	x	x		x
United Kingdom	x	x		x	x	x	x	x	x	x		x
U.S.A.	x	x	x	x	x	x	x	x	x	x	x	x
Yugoslavia	x	x	x	x	x	x	x	x	x	x	x	x

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Near East, North Africa and South Asia												
Afghanistan	x	x		x	x	x		x	x	x		
Algeria	x	x			x	x	x	x				
Bahrain					x							
Bangladesh	x	x			x							
Egypt	x	x		x	x	x	x	x	x	x		
India	x	x		x	x	x		x	x	x		
Iran		x			x	x						
Iraq	x	x			x	x		x	x	x		
Israel	x	x		x	x	x	x	x	x			
Jordan	x	x			x	x		x	x	x		
Kuwait	x	x			x	x						
Lebanon	x			x	x	x		x	x	x		
Libya	x				x	x				x		
Maldives								x				
Morocco	x	x		x	x	x	x	x	x			
Nepal	x	x		x	x	x		x				
Oman					x	x						
Pakistan	x	x		x	x	x		x	x			
Qatar					x	x						
Saudi Arabia	x	x			x	x		x	x	x		
Sri Lanka	x	x			x	x		x	x	x		
Syria	x	x			x	x						
Tunisia	x	x		x	x	x	x	x	x	x		
United Arab Emirates					x	x						
Yemen Arab Republic					x	x	x					
Yemen, People's Democratic Republic of												

APPENDIX D

Explanation of Statistical Tables

Tables listing the amounts of U.S. bilateral assistance and multilateral development assistance in the fiscal years of 1984, 1985, and 1986 are provided for each country which received such assistance during those fiscal years. In general, loans are reported as of the fiscal year of obligation.

AID Data for 1986 loans and grants are as indicated in the FY 1988 Congressional Presentation. All other data are as presented in "U.S. Overseas Loans and Grants and Assistance from International Organizations" (The Green Book). However, data for the following categories of assistance were not available at the time this report was prepared: Loans and Grants under the headings Food for Peace, Trade and Development, Ex-Im Bank, Inter-American Development Bank, African Development Bank, and Other United Nations.

U.S. bilateral assistance figures are broken down by two basic categories.

I) Economic Assistance

II) Military Assistance

For each category, the overall amounts are further broken down in two ways: First, to indicate the amount of aid provided in the form of loans and grants; and second, to indicate the amount provided under various programs.

In addition, the tables list the amount of loans (not generally considered "assistance") made by other U.S. Government sources and the amounts committed by international agencies, such as multilateral financial institutions and United Nations agencies.

Key Abbreviations

1) U.S. Economic Assistance

Sec. Supp. Assist.

Security Supporting Assistance (also known as Economic Support Fund)

Repay. In $-Loans

Assistance in the form of loans repayable in U.S. dollars

Pay. In For. Curr.

Assistance in the form of loans repayable in foreign currencies

E. Relief Ec. Dev. & WFP

Economic Relief, Economic Development, and World Food Program

Vol. Relief Agency

Assistance channeled through voluntary relief agencies

Contr. to IFI

Contributions to international financial institutions

2) U.S. Military Assistance

MAP Grants

Grants provided under the Military Assistance Program

Credit Sales - FMS

Credits provided under the Foreign Military Sales Program

Intl, Mil. Ed. Trng.

Grant aid provided under the International Military Education and Training (IMET) Program

Tran-Excess Stock

Equipment provided as Excess Defense Articles

3) International Agencies

IBRD

International Bank for Reconstruction and Development (World Bank)

IFC

International Finance Corporation

IDA

International Development Association

IDB

Inter-American Development Bank

ADB

Asian Development Bank

AFDB

African Development Bank

UNDP

United Nations Development Program

Other UN

Other United Nations Program

EEC

European Economic Community

N.B. Assistance totaling less than $50,000 in any one category is not shown in the tables.